DISCOURSES OF WAR AND PEACE IN KASHMIR:
A POSITIONING ANALYSIS

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By

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ABSTRACT

The conflict over the territory of Kashmir has dominated Indo-Pakistani relations for over fifty years. From its roots from before the independence of India and Pakistan to the modern insurgency which emerged in 1990, the conflict has developed a complicated set of interlocking factors, from religion to material resources, and ethno-linguistic groups. The vast literature on the Kashmir conflict addresses these aspects and more. This analysis, however, uses positioning theory to shift the focus from the conflict to the discourses surrounding the conflict. Using the three elements of positioning theory – (1) illocutionary force (social meaning), (2) the distribution of rights and duties (positions), and (3) the evolving storylines formed by positions, this examination of the Kashmir conflict highlights the prevalence of self-determination discourses. The analysis demonstrates how the plebiscite promised to the Kashmiri people is a significant element of the conflict discourses. By tracing the detailed history and usage of the self-determination ideal, the paper demonstrates how certain discourses and rhetoric can sustain a conflict past its logical point.
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INTRODUCTION

The conflict over the Kashmir valley is one of the main protracted conflicts of the last century. Since 1947, India and Pakistan have failed to reach consensus on an agreement for the territory of Kashmir, despite three wars (1948, 1965 and 1999) and two UN mandated cease-fires (1949 and 1965). Since 1949 the territory of Jammu and Kashmir (often referred to as simply Kashmir) has been divided by a cease-fire line into Pakistani and Indian sides, and to this day United Nations peacekeepers are assigned to monitor the de-facto border (UNMOGIP website, 2011). While there is a vast array of literature on the subject ranging from religious (Zutshi, 2004), geographic (Mayfield, 1955), and economic root causes, or a complex blend of several factors (Wirsing 1998; Habibullah, 2008; Behera 2006), a theme has emerged in more recent literature emphasizing the diversity of the people of Kashmir, and their role in the middle of the two great regional powers of Pakistan and India (Bose, 2003; Behera 2006; Schofield, 2010). Particularly since the outbreak of the anti-India insurgency in Kashmir in 1990 (ongoing), a focus on the Kashmiri people’s right to determine their own fate has reemerged as a critical component of the conflict (Bose, 2003).

The right of self-determination of the Kashmiri people has been discussed as a peace strategy for Kashmir starting with India’s acceptance of Jammu and Kashmir’s Accession to India by Maharaja Hari Singh in October of 1947. India accepted the Instrument of Accession with the caveat that a plebiscite would be held once law and order was reestablished. Internationally, self-determination has been a part of the conflict since 1948, when Jawaharlal Nehru, India’s first prime minister, referred the conflict to the United Nations Security Council,
mentioning a plebiscite as the solution to determine Kashmir’s future. Security Council Resolution 47 notes satisfaction that “both India and Pakistan desire that the question of the accession of Jammu and Kashmir to India or Pakistan should be decided through the democratic method of a free and impartial plebiscite.” (UN Security Council Resolution 47, 1948).

Around the same time, within Kashmir itself, the option of self-determination was embraced by Sheikh Abdullah, a popular leader who became Prime Minister of Kashmir and Jammu in 1948. Abdullah, already a public personality, obtained his position after Maharaja Hari Singh was persuaded by India to relinquish total control of the state (Schofield, 2010, 75). (A more detailed history is provided in a later section). Thus, between the UN’s commitment to a plebiscite in Kashmir, and the advocacy of Sheikh Abdullah on behalf of the Kashmiri people, the right to self-determination was instilled in the Kashmir with a very strong, hopeful meaning which has continued to express itself in the conflict, despite a failure of all parties to produce the plebiscite.

Indeed, if one examines the critical events which form the Indian and Pakistani storylines regarding the occurrences of 1948 which gave both parties a claim to Kashmir, the issue of self determination is central to both national storylines. For instance, the rhetoric surrounding the Maharaja’s accession to India was contingent on a plebiscite which would allow the people to decide whether to join Pakistan or India. Likewise, Pakistan agreed to withdraw troops from Kashmir on the basis of a bilateral commitment to a plebiscite. Numerous UN resolutions also affirmed this commitment (Resolutions 38, 39, 47), and this commitment was manifested through the formation of the UN Commission for India and Pakistan (UNCIP) (1949-1951) and the UN Military Observer Group in India and Pakistan (UNMOGIP) (1949 to present). While the
people of Jammu & Kashmir have never received their promised plebiscite, it is clear that this issue of self-determination has been a constant source of dashed hopes and empty promises for Kashmir, and is thus a major part of the national level discourse.

For this analysis, I have chosen to examine the Kashmir conflict from this angle of self-determination, using positioning theory to analyze the national discourses of India, Pakistan and Kashmir surrounding the conflict. In addition to the self-determination theme, I focus on the major rhetorical devices and storylines employed by India and Pakistan on the subject of Kashmir, relying on intergroup relations as my theoretical foundation. The goal of this paper is to conduct a historical positioning analysis of Indian, Pakistani and Kashmir national rhetoric on the conflict, with special attention to the ongoing theme of self-determination. This analysis will hopefully lead to greater understanding regarding to what degree the perceived incompatibility of goals of India and Pakistan, regarding Kashmir, is purely rhetorical, and whether a release of these unrealistic demands would bring the conflict closer to peace.

The organization of this paper is as follows. I begin with a brief introduction to contemporary Kashmir to establish familiarity with the region. Then I present a detailed history of Kashmir which emphasizes how the theme of self-determination emerged and became a central storyline of the conflict. Once I have detailed the evolution process of this self-determination thread, I will describe my methodology of analysis – namely positioning theory (a theory from the intersection of linguistics and the intergroup psychology fields). I will then provide my analysis on the major storylines of the conflict, from the national perspectives of India, Pakistan and Kashmir, focused around two major eras: accession and insurgency. By
emphasizing discourses and storylines it is my goal to present a new angle to this protracted conflict.
KASHMIR: BASIC FACTS

The following section lists brief facts on the demographics of Kashmir and clarifies the division of the territory into separate domains. The area of dispute is divided by the Line of Control (LOC) into Pakistan and Indian administered sections. Pakistani-administered Kashmir encompasses both Azad Kashmir (Free Kashmir) and Gilgit-Baltistan. Indian Kashmir is known as Indian Administered Jammu and Kashmir (IAJK), (with the full name being the ‘Former Princely State of Jammu and Kashmir’). Azad Kashmir is roughly one-third of the entire former princely state.

The division of Kashmir into Pakistan’s Azad Kashmir (Gilgit-Baltistan also shown), China’s Aksai Chin and India’s Jammu and Kashmir (also includes Ladakh). (Wikimedia, 2011).
Azad Kashmir

Simply speaking, Azad Kashmir consists of the territory that the Pakistani Army held at the time of the UN cease-fire in 1949. The Azad State of Jammu and Kashmir is 5,134 square miles in area, of which Azad Kashmir is roughly 650 square miles. The state is comprised of ten districts, which include Muzaffarabad, Poonch, Mirpur and Neelum. The last census was conducted in 1998, and counted a total of 2,973,000 people. The current population is estimated to be over 3,400,000. The capitol of Azad Kashmir is Muzaffarabad, which has the largest population density of the districts; roughly half a million people.

Indian Administered Jammu and Kashmir

Indian-Administered Jammu and Kashmir (IAJK) is 39,146 square miles in area, and consists of the areas of Kashmir, Jammu and Ladakh. The capital is Srinagar (although Jammu hosts the government during the winter). Major cities are Poonch, Leh (in Ladakh), Srinagar (in Kashmir), and Jammu (in Jammu). When the LOC was drawn in 1949, IAJK received most of the existing infrastructure for governance (the Maharaja’s infrastructure in Jammu and Kashmir).

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Table 1: Azad Kashmir and Indian-Administered Jammu and Kashmir: Basic Facts

<table>
<thead>
<tr>
<th></th>
<th>Azad Kashmir and Jammu</th>
<th>Indian-Administered Jammu and Kashmir</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Area</td>
<td>5,134 sq. miles (13,297 sq. km)(^b)</td>
<td>39,146 sq miles (101,387 sq. km)(^c)</td>
</tr>
<tr>
<td>Capital</td>
<td>Muzaffarabad</td>
<td>Srinagar (Summer), Jammu (Winter)</td>
</tr>
<tr>
<td>Population</td>
<td>over 3,400,000(^d)</td>
<td>12,366,000(^e) (2008 estimate)</td>
</tr>
<tr>
<td>Population density</td>
<td>258 persons per sq. km</td>
<td>99 persons per sq. km (2001 est.)(^f)</td>
</tr>
<tr>
<td>Infant mortality rate</td>
<td>Approx. 56 per 1000 live births</td>
<td>45 per 1000 live births (1992-94)(^g)</td>
</tr>
</tbody>
</table>

Table 2: Pakistan and India: Basic Facts

<table>
<thead>
<tr>
<th></th>
<th>Pakistan</th>
<th>India</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Area</td>
<td>796,095 sq km</td>
<td>3,287,263 sq km(^h)</td>
</tr>
<tr>
<td>Capital</td>
<td>Islamabad</td>
<td>New Delhi</td>
</tr>
<tr>
<td>Population</td>
<td>184,404,791 (July 2010 est.)</td>
<td>1,173,108,018 (July 2010 est.)</td>
</tr>
<tr>
<td>GDP (PPP)</td>
<td>$451.2 billion (2010 est.)</td>
<td>$4,046 trillion (2010 est.)</td>
</tr>
<tr>
<td>Religions</td>
<td>Muslim 95% (Sunni 75%, Shia 20%), other (includes Christian and Hindu) 5%</td>
<td>Hindu 80.5%, Muslim 13.4%, Christian 2.3%, Sikh 1.9%, other 1.8%, unspecified 0.1% (2001 census)</td>
</tr>
</tbody>
</table>

\(^b\) Azad government of the state Kashmir & Jammu: Geographic features.
\(^d\) Azad government of the state of Kashmir & Jammu: Population features.
**Administrative Differences**

Due to Kashmir’s unique circumstances since 1947, it has never been afforded the same status as a normal state in India or Pakistan. Thus, both IAJK and Azad Kashmir have unique administrative status. Azad Kashmir is considered somewhat independent of Pakistan, complete with a separate government, although it is administered and protected by Pakistan. Along with the Northern Areas, Azad Kashmir is under its own unique system of governance, although some federal authority stems from the Ministry of Kashmir Affairs and Northern Areas. Meanwhile, Indian-Administered Jammu and Kashmir has been the subject of a series of federal acts which bring the state under closer control of the federal government, instead of the local Kashmir government, as was initially intended by the Maharaja when he acceded to India. (The initial accession to India only gave India jurisdiction in three areas: communications, defense and external affairs.)

**Geographical Significance of Kashmir**

Although the Kashmir conflict from the beginning contained the religious rhetoric of partition, the geographic compulsions for alignment with India or Pakistan were extremely significant at the time of partition, and remain a major factor today. The princely state as it was before partition was composed of the lowlands, Jammu (primarily agricultural), the Kashmir Valley (surrounded by the Pir Panjal and Himalayan mountains and largely reliant on forestry), and finally the highlands: Gilgit, Baltistan and Ladakh, (sparsely populated by nomadic peoples).

In the early 1940s, when discussing the practicality of aligning with Pakistan or India pre-partition, it was clear that all the geographical facts pointed solidly to incorporation with
Pakistan (Mayfield, 1955). For instance, the Kashmir valley is entirely surrounded by mountain ranges except for the pass created by the Jhelum River, which flows towards Pakistan. Most of the state’s watersheds drain into the Indus River in Pakistan. As Mayfield wrote, India is divided from Kashmir by the Pir Panjal Mountains, meaning Kashmir is “somewhat openmouthed toward Pakistan” (1955).

At the time of partition there were also significant communication and infrastructure realities which pointed to the logic of joining Pakistan. In 1947, Kashmir’s two paved roads and one railroad led to Pakistan. Before the costly construction of the Banihal Tunnel road by India in the mid 1950s, the sole winter-proof road into Kashmir was under Pakistani control. These road advantages clearly impacted trade and tourism, which advantaged Pakistan.

India, meanwhile, had much less tangible justifications for annexing Kashmir, and thus most of its arguments have been rhetorical and political in kind (Mayfield, 1955, p. 192). An example is India remarking that Kashmir’s ‘backward ways’ of floating logs down the Jhelum River had been eliminated by trucking the logs over the Banihal Pass to India. Realistically, of course, it was far more efficient to float the timber to Pakistan. Strategically speaking, only Ladakh is important to India, in the interest of maintaining a Himalayan border against China. India’s claims for Kashmir and Jammu, however, are largely legalistic and economic in nature.
Current Status of Kashmir

Beginning in 2003, relations between India and Pakistan regarding Kashmir began to thaw with President Musharraf’s proposal of a four-step solution, distinctively lacking in a demand for Kashmiri self-determination (Schofield, 2010, p. 274). A formal cease fire was implemented on September 25, 2003 along the Line of Control. On October 8, 2005, a 7.6 magnitude earthquake struck Kashmir, with the epicenter of the earthquake in Muzaffarabad. An estimated 80,000 people died, and despite potential for unprecedented cooperation, India and Pakistan maintained their political positions regarding Kashmir. Towards the end of 2005, the peace process showed signs of stalling – particularly over troop reductions on the Siachen glacier, as well as transboundary water sharing issues. The July 11, 2006 Mumbai subway terrorist attacks also highlighted the significant need of counter-terrorism in Pakistan. President Musharraf and Prime Minister Manmohan Singh reaffirmed their commitment to the peace process after the attacks, but President Musharraf was soon replaced by Asif Ali Zardari in 2008. The November 26-29, 2008 coordinated terrorist attacks in Mumbai brought a halt to the peace process. Despite several meetings of high officials, the peace process was not formally reinitiated until February of 2011 (‘India and Pakistan agree to resume peace talks’, BBC News, Feb. 10, 2011). Progress to date has been largely symbolic, and not substantive.
# A HISTORY OF KASHMIR AND KASHMIRI SELF-DETERMINATION

## Early History Timeline

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Event</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>3rd century BC</td>
<td>Kashmir was taken under the rule of Emperor Asoka’s Indian Maurya</td>
<td>Buddhism was first introduced to the Kashmir valley during Asoka’s rule.</td>
</tr>
<tr>
<td>1st century AD</td>
<td>The Kushan Empire from north-west China invaded Kashmir. Under</td>
<td>The Kushan rule, the valley became a center of art, architecture and intellectual pursuits. This period was also marked by continued</td>
</tr>
<tr>
<td></td>
<td>the Kushan rule, the valley became a center of art, architecture and</td>
<td>Buddhist influence, particularly after the Kushan Emperor Kaniska convened the fourth Great Buddhist Council in Kashmir.¹</td>
</tr>
<tr>
<td></td>
<td>intellectual pursuits. This period was also marked by continued</td>
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<tr>
<td></td>
<td>Buddhist influence, particularly after the Kushan Emperor Kaniska</td>
<td></td>
</tr>
<tr>
<td></td>
<td>convened the fourth Great Buddhist Council in Kashmir.¹</td>
<td></td>
</tr>
<tr>
<td>c. 8th to c. 14th</td>
<td>The valley was taken under the rule of several Hindu kings.</td>
<td></td>
</tr>
<tr>
<td>century</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1354</td>
<td>Period of Muslim rule in Kashmir began with the rule of Sultan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Shahab-ud Din.</td>
<td></td>
</tr>
<tr>
<td>1586</td>
<td>Mughal Emperor Akbar conquered Kashmir. His rule is generally</td>
<td>Mughal Emperor Akbar conquered Kashmir. His rule is generally regarded as the beginning of modern history in Kashmir. The modern</td>
</tr>
<tr>
<td></td>
<td>regarded as the beginning of modern history in Kashmir. The modern</td>
<td>practice of sending a governor to manage the state for the central government began at this time.</td>
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<tr>
<td></td>
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<td></td>
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<tr>
<td></td>
<td>government began at this time.</td>
<td></td>
</tr>
<tr>
<td>Early 1700s to mid</td>
<td>The East India Company (formed in 1600) began acting as an agent of</td>
<td>The East India Company (formed in 1600) began acting as an agent of British colonial policy in South and Southeast Asia. After its trade</td>
</tr>
<tr>
<td>1800s</td>
<td>British colonial policy in South and Southeast Asia. After its</td>
<td>monopoly was broken in the region in 1813, it transitioned into a management entity for the British Government of India until the</td>
</tr>
<tr>
<td></td>
<td>trade monopoly was broken in the region in 1813, it transitioned</td>
<td>Indian Mutiny in 1957.¹</td>
</tr>
<tr>
<td></td>
<td>into a management entity for the British Government of India until</td>
<td></td>
</tr>
<tr>
<td></td>
<td>the Indian Mutiny in 1957.¹</td>
<td></td>
</tr>
<tr>
<td>1751</td>
<td>The Afghans absorbed Kashmir into their empire.</td>
<td></td>
</tr>
<tr>
<td>1790s to early 1800s</td>
<td>Sikh ruler Ranjit Singh expanded his territory as the Afghan empire</td>
<td>Sikh ruler Ranjit Singh expanded his territory as the Afghan empire declined. Ranjit Singh acquired Lahore in 1799 and Amritsar in 1802.</td>
</tr>
<tr>
<td>1819</td>
<td>Ranjit Singh conquered Kashmir from the Afghans.</td>
<td></td>
</tr>
<tr>
<td>1820s</td>
<td>Kashmir’s neighboring province, Jammu, was at the time ruled by</td>
<td></td>
</tr>
</tbody>
</table>


² East India Company. (2011). In Encyclopædia Britannica.
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1938</td>
<td>Ranjit Singh died and succession chaos ensued. This ensured that Gulab Singh of Jammu was the most powerful ruler in the region.</td>
</tr>
<tr>
<td>December 1845</td>
<td>First Anglo-Sikh War. Gulab Singh’s decision to remain neutral instead of siding with the Sikhs turned the tide of the war, and the British gained the victory.</td>
</tr>
<tr>
<td>March 9, 1846</td>
<td>Treaty of Peace between the Sikhs and British. The treaty was designed by the British to reward Gulab Singh for his help during the First Anglo-Sikh War. The Sikh provinces of Kashmir and Hazara were ceded to the East India Company, which in turn sold the province of Kashmir to Gulab Singh through the Treaty of Amritsar. This treaty severed Gulab Singh’s allegiance to the Sikh confederacy, and he became Maharaja of Jammu and Kashmir (which included Kashmir, Jammu, Ladakh and Baltistan). This was the formation of the princely state of Jammu and Kashmir, which in nearly a hundred years would be wracked with controversy regarding partition to India or Pakistan following the partition of India in 1947. After Gulab Singh became Maharaja, Jammu and Kashmir continued to be a strong ally of the British as termed by the Treaty of Amritsar, coming to their aid in the Second Anglo-Sikh War (1848) and the ‘Indian Mutiny’ of 1847, where Kashmiri troops were committed to the British side (a significant event.)</td>
</tr>
<tr>
<td>1847</td>
<td>The Indian Mutiny caused the East India Company to give way to the British Indian Government.</td>
</tr>
<tr>
<td>February 8, 1856</td>
<td>Gulab Singh abdicated his throne and installed his third son, Ranbir Singh, as Maharaja of Jammu and Kashmir.</td>
</tr>
</tbody>
</table>
Unrest in Kashmir

As the 19th century came to a close, Kashmir began to experience rising unrest. As the British became more and more involved in governing Kashmir and Jammu, long-held frustration of Kashmir's subjugated people began to come to the surface and pro- and anti-Hindu Dogra movements emerged. Many of these splits transformed into the groups which were later identified as pro-Pakistan or pro-India in the post-partition debate of which nation Kashmir should join.

This period is interesting in light of the self-determination angle because it is during the rules of Pratap Singh and his son Hari Singh that the roots of democratic thought take hold in Kashmir. Before the British involvement in Kashmiri governance, for centuries the region had been under a feudal system in which the people had virtually no rights, and little notion of protesting their poor conditions. As the British introduced different positions of authority in the Kashmir government which undermined the Maharaja’s supremacy, the people of Kashmir, infected by Enlightenment ideas also brought by the British, began in unprecedented levels to champion their own causes. Finally, with the excitement and energy brought by Gandhi’s independence movement, for the first time the notion of self-rule gained a very tangible quality for the people of the Princely state of Kashmir and Jammu.

The Rule of Maharaja Pratap Singh

After the Indian Mutiny, the East India Company transitioned into the Government of India, on behalf of the Queen of England, and Maharaja Ranbir Singh was bestowed the honors of the British Empire. In effect, Kashmir became the northern border of Imperial India, and
served as a buffer for a potential Russian, Afghani or Chinese incursions into the subcontinent.

After the death of Ranbir Singh in 1885, the British installed his eldest son Pratap Singh as Maharaja, while simultaneously creating the British position of Resident Political Officer in order to maintain closer tighter control of the Kingdom for British interests. In 1888, Pratap Singh was divested of all major powers through a conspiracy which claimed he corresponded and collaborated with the Tsar of Russia. A council was set to rule in his place, composed of his two brothers, Amar and Ram Singh, two ministers and an English officer. Amar Singh became prime minister, but the British positions held the true authority.

Following protests from other Indian princes on the treatment of Pratap Singh by the British, the Maharaja was offered the Presidency of Jammu and Kashmir in 1891. Around this time, Kashmiri administration was deemed in need of improvements, and lacking the necessary work force in the princely state, educated Bengalis and Punjabis were brought to Kashmir, upsetting the local population. In 1920 Pratap Singh again appealed to the Indian government for the return of full ruling powers, and was granted them, on the condition that the Resident British officer’s ‘advice’ would be taken whenever ‘offered’.

In the subcontinent, the Indian National Conference and the Muslim League had been established (1885 and 1906, respectively). They began the movement for responsible government, i.e. greater Indian representation, and later swaraj (home-rule or independence). In Kashmir, this sentiment did not resonate yet, although Kashmiri Muslims had begun organizing to protest their condition as the ‘low class’ of Kashmiri society. The All-India Muslim Kashmiri Conference and the Anjuman-I Nusrat-ul Islam associations focused, for instance, on educating Kashmiri Muslims abroad. The Kashmiri Muslims were largely subjugated at the hands of the
middle-class Kashmiri Pandits (Hindus), who were in turn subjugated by the imported Bengalis and Punjabis. After non-state employment was banned in 1927, the Kashmiri Pandits were then passed over for their Hindu counterparts in Jammu, who hailed from the Dogra Rajput community (Schofield, 2010, p. 17). Thus a legacy of Kashmiri subjection emerged – for both Hindu and Muslim Kashmiris.

_The Rule of Maharaja Hari Singh_

In 1925, Maharaja Pratap Singh died, and was succeeded by his nephew and heir, Hari Singh. Concurrently, the movement “Kashmir for the Kashmiris” began, protesting the lavish and autocratic rule of the Maharaja. The Anjuman-I Islam was reorganized into the Young Men’s Muslim Association of Jammu, led by Ghulam Abbas. Yusuf Shah, Mirwaiz of Kashmir (the spiritual leader of the entire state’s Muslim population) also became active in promoting the improvement of conditions for Muslims in Kashmir and Jammu. Another activist, Sheikh Mohammad Abdullah, named the _sher-e-Kashmir_ (‘Lion of Kashmir’), emerged in this era and continued to feature prominently in Kashmir’s politics for the next several decades.

In the 1930s violent protests began to take place, resulting in aggressive state responses which left almost two-dozen people dead (Schofield, 2010, p. 18). Sheikh Abdullah and other activists were detained in the Srinagar Central Jail, where together they decided to form a political party, the Muslim Conference. Formed in 1931, Sheikh Abdullah became the president and Ghulam Abbas the General Secretary. Despite its name, the Muslim Conference championed secularism, fighting for the Muslim and Hindu lower classes.
Alarmed by the emerging organizations protesting their status in society, Hari Singh enacted several responses. One was a commission to inquire into the demands of the people, which resulted in a report advising the formation of a local legislative assembly (the Praja Sabha), as well as reforms in education, employment and industry. The Praja Sabha, however, failed to appease the people as only thirty-three of the total seventy-five officials were to be elected – the remainder were appointed by the Maharaja. Hari Singh was also facing pressure, along with the other princely and British rulers of India, to conform to the ‘responsible government’ movement. A Chamber of Princes was created, which included the rulers of all princely states and representatives from smaller states. As the chamber met several times in Round Table Conferences, the proposition to form an all-India federation manifested in the 1935 Government of India Act. This created separate legislative bodies in the eleven British India provinces, as well as a representative central government for both the imperial and princely states. In 1936 elections were held, with Gandhi and Nehru’s Congress Party taking the lead in seven provinces. The Muslim League formed coalition governments with smaller parties in the remaining states.

Following another round of protests in Kashmir, the Muslim Conference changed its name to the National Conference to reflect the variety of Muslims, Hindus and Sikhs who had protested together for a common cause. Sheikh Abdullah, in his championing of secularism, became friends with Jawaharlal Nehru, who was also committed to a secular and socialist nation.

In 1939 progress in Kashmir ground to a halt when the pressure of WWII on Britain was passed to India, which was then declared in a state of ‘war emergency’. At the national level, however, the ideas of Indian self-rule were strengthened as the Congress Party objected to
fighting a European war without consulting their constituencies. The Muslim League, however, led by Mohammad Ali Jinnah, saw an opportunity to gain greater representation in India for Muslims, and dedicated the League to the war efforts. This split in responses regarding WWII in part led to the March 23, 1940 Pakistan Resolution, proposing the formation of two independent states on the basis of Muslim and Hindu majorities. As WWII continued to rage, Gandhi’s Quit India movement in 1942 brought Indian independence to the forefront.

Critically, the communal split between Hindus and Muslims was also reflected in Kashmir, where Ghulam Abbas grew increasingly unsatisfied with Sheikh Abdullah’s alignment with Nehru and the Congress Party. Abbas joined Mirwaiz Yusuf Shah and together they recreated the Muslim Conference, aligned with Jinnah’s Muslim League. However, despite his radical plan for a socialist ‘New Kashmir’, Sheikh Abdullah remained the popular leader in Kashmir because, unlike Abbas, he was a Kashmiri valley native.

Roots of the Modern Conflict

Many of the accusations of India and Pakistan regarding Kashmir can still be traced to this period from partition to the UN cease-fire in 1949. Indeed, much of the rationale behind India and Pakistan’s continued claims to Kashmir rest on the sequence of events detailed below. As each nation interpreted the other’s action as an imposition – unlawful, illegitimate and aggressive, the situation worsened, transforming into the intractable positions that India and Pakistan align to to this day.

Independence and Partition
Throughout the early 1940s, Congress Party and the Muslim League continued to diverge on critical policies. One critical split which had consequences for Kashmir was Congress Party’s belief in the right to independence of every Indian individual – regardless if a citizen of a princely or provincial state, whereas the Muslim League was determined not to meddle in princely states’ internal affairs. As it became evident that the two parties would not coexist in a nation together, the partition of the subcontinent became a closer and closer reality.

In the months leading to partition, Hari Singh faced a mounting dilemma of whether to align Jammu and Kashmir with India or the to-be Pakistan. Unlike the other 200-some princely states, Jammu and Kashmir was the only state to be geographically contiguous with India and the future Pakistan. For months the Maharaja evaded the British, Nehru and Jinnah, refusing to speak of the partition in a “paralysis of Princely uncertainty.” (Schofield, 2010, p. 30). On July 25, 1947, The Chamber of Princes was informed that ‘certain geographical compulsions’ would determine their allegiance, despite their official independence status. Only three princely states were large enough to postpone an immediate decision: Hyderabad, Junagadh, and Jammu & Kashmir.

To India and the Congress Party, attaining Jammu & Kashmir carried several significant benefits. The first compulsion to secure Jammu & Kashmir was due to the strategic location of the state – potentially forming the northernmost border of India. This advantage would greatly benefit India in terms of political alliances because Gilgit, a province in Jammu & Kashmir, bordered Afghanistan, which was then hostile towards Pakistan. A second critical reason was that attaining Kashmir, a Muslim-majority state, would disprove Jinnah’s two-state theory based on communalism, thereby strengthening the Congress Party’s example of secularism. Thirdly,
whichever nation gained Kashmir would control the headwaters of the major rivers which flowed into the subcontinent. Finally, the valley itself carried emotional significance to Nehru, whose family originated from the valley. Over the course of the Maharaja’s period of indecision, Nehru and other major figures of Congress Party including Sardar Patel were extremely active in pressuring a decision from Hari Singh. Mahatma Gandhi even visited the Maharaja as a last-resort effort to persuade Hari Singh to accede to India. Meanwhile, Jinnah and the Muslim League all but left Kashmir alone, reasserting their belief that the Princely states should be able to remain independent if they wished.

As the partition plan was developed, the importance of Hari Singh’s pending decision grew even more. Additionally, the Muslim League developed an “apprehension about the intentions of both the Indians and the British [which] arose from their long-standing feeling that neither the British nor India wanted not expected Pakistan to survive.” (Schofield, 2010, p. 39). With this mentality in place, the subcontinent became independent officially on August 14-15, 1947. In the wake of partition, communal violence shook the new nations. While Kashmir escaped this violence, Jammu, with its majority Hindu population, was an unexpected host to the Hindu victims of communal violence in the nearby Punjab region. Among the hundreds of partition rumors which circulated and generated high levels of panic, there were widespread allegations of the Jammu Hindus exterminating the Muslims in their district, with the help of Hari Singh’s (Hindu) Dogra army.

*Kashmir Independence*
For seventy-three days, Kashmir was independent. Hari Singh had entered into a standstill agreement with Pakistan on August 12, which maintained the pre-existing order of communications, trade and travel between Kashmir and Pakistan. Kashmir’s new relationship with India remained undefined. Within Kashmir, as soon as independence was proclaimed, large sections of the Muslim populations thought they would immediately be joining Pakistan. Pakistani flags were raised and Muslims celebrated, only to be disappointed. In the Poonch district this led to violence, fueled by the fact that ex-WWII Kashmiri troops numbered in the tens of thousands in Poonch. These troops had been refused entry into Hari Singh’s army because they were Muslim, leading to a large, professionally trained mass of unemployed, heavily-taxed and unsatisfied Muslims. The Poonch Muslim’s anti-tax campaign escalated and began acquiring weapons from the North-West Frontier tribesmen (bordering Pakistan and Afghanistan).

Relatively quickly this campaign became an organized anti-Hindu Dogra-rule revolt. From the perspective of Pakistan, this was a legitimate anti-maharaja uprising. The North-West Frontier also was sympathetic to the movement. From the Indian point of view, the revolt represented Pakistani aggression. “The armed raids from Pakistani territory into the state and disturbances in Poonch led the Indians to believe that there would be a full-scale Pakistani incursion before winter” (Schofield, 2010, p. 44).

All political maneuvering on the part of India and Pakistan to obtain Kashmir came to an immediate halt when news arrived that hundreds of raiders from Pakistan’s North-West Frontier had entered Kashmir. From this point forward, Pakistan had lost its chance of winning Kashmir politically.
Accession

The events which followed in the days after the entrance into Kashmir of North-West Frontier tribesmen have been a major source of Indian and Pakistani positions on the legitimacy of their continuing claims to Kashmir. As Hari Singh’s unprepared Dogra troops fell to the raiders, he requested India’s help on October 24, 1947. India, however, was reluctant to send troops into a neutral state, an action which could then justify the presence of Pakistani troops. Lord Mountbatten, the former Viceroy of India and current Governor-General of new India, advised a temporary accession to India which could later be revised to reflect the will of the people through a referendum or election (Schofield, 2010, p. 53). As the raiders neared Srinagar, Hari Singh was persuaded to retreat to Jammu. As Victoria Schofield writes, “In the years to come, Hari Singh’s flight from Srinagar was used by his critics as a reason for stating that he had no right to take the decision to accede to India because he was no longer in control of his state” (2010, p. 53). Hari Singh wrote a letter to India requesting formal accession, and attached the Instrument of Accession. Once these documents were firmly in Delhi, India accepted the accession “subject to the provision that a plebiscite would be held in the state when the law and order situation allowed” (Schofield, 2010, p. 56, emphasis added). On October 27, three-hundred Indian troops were flown into Srinagar.

There is some disagreement in the personal accounts of the people involved in this episode over whether the document was signed before or after troops were sent to Kashmir. Much of the storyline is from the memoir of V.P. Menon, a colleague of Nehru, who arrived in Srinagar on October 25 from Delhi to obtain the Instrument of Accession from the Maharaja. Whether Menon was able to reach Jammu on the 26, where the Maharaja had relocated, is
unclear. It is also possible that the Maharaja signed the document in Srinagar before departing. Regardless, many theories on the actual sequence of the events have prevailed, which delegitimize or legitimize the right of India to place troops in the princely state.

While the issue of Kashmir’s regional alignment had been settled, it was still not clear whether the move of Indian troops into Jammu & Kashmir would prompt a Pakistani response. Lord Mountbatten wished to prevent warfare at any cost because British officers were still on duty in both the Pakistani and Indian armies, and both armies were under the command of Field-Marshal Auchinleck who was coordinating the separation of the forces (all formerly the Indian Army). Auchinleck was forced to inform Jinnah that in the case of war between India and Pakistan, all British officers would immediately stand down. This passage from Schofield highlights well the tension and mistrust between the two nations, and the roots of the modern animosity:

“Pakistan’s position was that the accession of the state of Jammu and Kashmir to India was based on ‘fraud and violence’ and therefore was not ‘bona fide.’ Mountbatten countered that the maharaja was ‘perfectly entitled to accede to either Dominion; since the violence had come from the tribes for whom Pakistan was responsible, it was clear that he would have to accede to India to obtain help against the invader.’ Jinnah however repeatedly asserted that it was India, who had committed the violence by sending troops to Srinagar… At this meeting, Mohammad Ali Jinnah did not respond enthusiastically to the suggestion of a plebiscite. When Mountbatten asked him what were his objections, he replied: ‘With the troops of the Indian Dominion in military occupation of Kashmir and with the National Conference under Sheikh Abdullah in power, such propaganda and pressure could be brought to bear that the average Muslim would never have the courage to vote for Pakistan.’ At this point, Mountbatten suggested inviting the UNO to send observers ‘to ensure that the necessary atmosphere was created for a free and impartial plebiscite.’ Jinnah, however, appeared despondent about the future, maintaining that India was out ‘to throttle and choke the dominion of Pakistan at birth…’” (Schofield, 2010, p. 61).

Meanwhile, almost the opposite of the Kashmir situation was playing out in the princely state of Junagadh, which had a Muslim ruler but a Hindu majority population. Although Junagadh had no geographical contiguity with Pakistan, the Nawab of Junagadh acceded to
Pakistan. The Indian government resisted this decision and insisted on holding a plebiscite to determine the will of the people, while moving Indian troops into the state. The plebiscite was held in 1948, with the Hindu majority predictably choosing to stay with India. The parallels between Junagadh and Kashmir were not unnoticed by Nehru, who insisted that Sheikh Abdullah, as a popular Muslim leader in favor of India, remain in the limelight and prevent a Junagadh-like incident.

The Maharaja was also facing another crisis as a revolution emerged in the Gilgit region of his territory, with the Muslim-majority population overthrowing the Dogra regime. Gilgit expressed its wish to accede to Pakistan, as a Muslim-majority region. Along with the former kingdoms of Hunza and Nagar, Gilgit signed an Instrument of Accession to Pakistan. After the UN ceasefire line was demarcated in July of 1949, Gilgit's actions along with the placement of the ceasefire line led to the creation of what became known as Azad Kashmir, or Pakistani-administered Kashmir. These provinces are to this day still in a precarious legal state, as they have still not been formally accepted as a part of Pakistan. They are administered separately from other full-Pakistani states, along with the Northern Territories and Baltistan.

While allegations that the initial incursion of tribesmen into Kashmir had been supported by the Pakistani military had abounded during the first weeks of the conflict, any assistance to the raiders by Pakistan was termed unofficial up to this point. In May of 1948, however, Pakistan assigned its army to protect the new Pakistani borders, on the basis that the presence of India’s troops in Kashmir constituted a threat. Pakistani forces were to remain behind the local ‘Azad’ (free) Pro-Pakistan forces. Thus, the Azad forces moved to take Dras and Kargil, moving towards Ladakh. The Ladakhis (a slight Buddhist majority with a Hindu minority) called upon
Indian troops to save them from the Azad force’s ‘liberation,’ which is how pro-Pakistan forces and Indian forces found themselves face-to-face at Leh. The first war of Indo-Pakistani aggression raged for several months, consisting of difficult high-altitude fighting to regain small swatches of land.

This was also a time of changes in leadership, as Mohammad Ali Jinnah passed away in September of 1948, and Mahatma Gandhi was assassinated on the 30 of January. Maharaja Hari Singh’s power was greatly reduced in his own state by the Instrument of Accession, and Sheikh Abdullah became Prime Minister of Jammu and Kashmir in March of 1949, challenging the already crumbling Hindu Dogra regime. Abdullah’s socialist, non-communalist outlook envisioned great reforms for Kashmir, collectively known as ‘New Kashmir.’ Months later the tension between Abdullah and Hari Singh led to the Maharaja’s ‘holiday’ to Delhi, which effectively served as an exile. Hari Singh’s son Karan Singh was appointed regent, at only age eighteen. However the Dogra dynasty had come to a close in Kashmir.

The UN’s Early Role in Kashmir

The UN has been a key player in the Kashmir conflict since 1948, when Nehru referred the conflict to the UN under article 35 of the UN Charter. This action implied that Nehru believed the conflict to be a threat to international peace. As such, it was one of the first major situations that the UN tackled, along with Palestine (Schofield, 2010, p. 67). India and Pakistan were put in the new situation of advocating their positions to a third party, instead of only to each other. Thus the introduction of an international third-party to this conflict dramatically shifted the
positions of both India and Pakistan, and the rhetoric of the Indian and Pakistani representatives in the UN regarding the Kashmir issue provides a valuable demonstration of national discourses.

After Nehru’s referral, the Kashmir conflict was debated in the Security Council in January of 1948, several months after hostilities had broken out. India had referred the conflict to the UN to discuss the threat of ‘Pakistani aggression’ on Indian territory, however Pakistan shifted the focus of the debate to Kashmir’s unjust rule under the Hindu Dogras, emphasizing the plight of the Kashmiri Muslims rather than the ongoing war. India’s Home Minister Sardar Patel wrote that the referral of Kashmir to the UN had prolonged the conflict, and that “the merits of our case have been completely lost in the interaction of power politics.” (Schofield, 2010, p. 68).

On January 20, 1948, the Security Council passed Resolution 39, forming the UN Commission for India and Pakistan (UNCIP), tasked with assessing the situation on the ground in Kashmir in regards to Article 34 of the UN Charter and pursuing “any mediating influence likely to smooth away difficulties” (UN Security Council Resolution 39, 1949). A following resolution (47) was adopted on April 21, 1948 which, first and foremost, affirmed the Indian and Pakistani commitment to a “democratic method of a free and impartial plebiscite” for Kashmir, and ordered UNCIP to proceed immediately to the sub-continent and begin “facilitating the taking of the necessary measures, both with respect to the restoration peace and order and to the holding of a plebiscite by the two Governments, acting in co-operation with one another and with the Commission” (UN Security Council Resolution 47, 1949). The resolution also offers a recommended sequence of events for deescalating the conflict, demobilizing both countries’ troops, and preparing to administer the plebiscite:

“A- RESTORATION OF PEACE AND ORDER”
1. “The Government of Pakistan should undertake to use its best endeavors:
   a. To secure the withdrawal from the State of Jammu and Kashmir of tribesmen and
      Pakistani nationals not normally resident therein who have entered the State for the
      purposes of fighting, and to prevent any intrusion into the State of such elements and any
      furnishing of material aid to those fighting in the State;
   b. To make known to all concerned that the measures indicated in this and the following
      paragraphs provide full freedom to all subjects of the State, regardless of creed, caste, or
      party, to express their views and to vote on the question of the accession of the State, and
      that therefore they should co-operate in the maintenance of peace and order.

2. The Government of India should:
   a. When it is established to the satisfaction of the Commission set up in accordance with the
      Council's Resolution 39 (1948) that the tribesmen are withdrawing and that arrange-ments
      for the cessation of the fighting have become effective, put into operation in consultation
      with the Commission a plan for withdrawing their own forces from Jammu and Kashmir
      and reducing them progressively to the minimum strength required for the support of the
      civil power in the maintenance of law and order.”

The document continues to list several recommendations for the Government of India regarding
administering the plebiscite.

Following UNCIP’s August 13, 1948 Resolution calling for an immediate cessation of
hostilities so that the plebiscite may take place, General Gracey (on behalf of Pakistan) and
General Roy Bucher (on behalf of India) signed a cease-fire agreement “one minute before
midnight of first January 1949” (UNCIP Resolution, Jan. 5, 1949). The resolution reads,

“Having received from the Governments of India and Pakistan in Communications, dated December 23
and December 25, 1948, respectively their acceptance of the following principles which are
supplementary to the Commission's Resolution of August 13, 1948;

1. The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be
decided through the democratic method of a free and impartial plebiscite;
2. A plebiscite will be held when it shall be found by the Commission that the cease-fire and truce
arrangements set forth in Parts I and II of the Commission's resolution of 13 August 1948, have
been carried out and arrangements for the plebiscite have been completed” (UNCIP Resolution

The UN Military Observer group (UNMOG) was also created to monitor the cease-fire line. To
this day there are UNMOG observers in Kashmir.
As the task of implementing the plebiscite loomed, it became clear that between India and Pakistan “there was very little common ground other than the agreement in principle to hold a plebiscite” (Schofield, 2010, p. 82). The UNCIP was composed of a Pakistani representative, and Indian representative as well as representatives from Argentina, Belgium, Columbia, Czechoslovakia and U.S.A (UNCIP Resolution Jan. 5, 1949). However, due to division within UNCIP, the task of facilitating the plebiscite fell to General A. G. L. McNaughton, president of the Security Council, and then to Sir Owen Dixon, an Australian, in May of 1950 (Schofield, 2010, p. 82). Writing, “The parties have agreed that the fate of the state as a whole should be settled by a general plebiscite but over a considerable period of time, they have failed to agree on any of the preliminary measures which it was clearly necessary to take before it was possible to set up and organisation to take a plebiscite,” Sir Dixon departed the subcontinent with the final suggestion that India and Pakistan “negotiate their own terms” (Schofield, 2010, p. 83).

*Other Challenges to the Plebiscite*

The plebiscite’s implementation rested on the precondition that both sides demobilize their troops, but the lack of trust between India and Pakistan ensured a deadlock even after the cease-fire. Both India and Pakistan refused to remove their troops first and the issue continued to be postponed. In the international arena, India became unhappy with both the UN and England for placing Pakistan on ‘equal footing’ with India, when Pakistan was seen as the aggressor. Internationally, Nehru’s policy of non-alignment was alienating India from the United States, while bringing the U.S. closer to Pakistan.
Meanwhile, turmoil between the different regions of the state was emerging, as Jammu and Ladakh protested against their second-rate priority compared to Kashmir, which was the main focus of the international and most domestic debates. This inflamed communal tensions between Hindus and Muslims, despite Abdullah’s championing of anti-communal sentiments. His reform programs targeted the oppressed, which were overwhelmingly Muslim. Thus the Hindus of Jammu became increasingly upset with these policies, leading to a surge of Hindu nationalist groups in Jammu, including the Praja Parishad, and later the Jana Sangh, which viewed Abdullah’s National Conference party as a thinly-veiled Muslim party.

The 1950s in Kashmir

As soon as the agitation surrounding partition and the 1949 war came to a close, India and Pakistan were pulled into the politics of the Cold War. After abstaining on the previous Kashmir resolutions in the UN Security Council, in 1952 the USSR expressed a sharply critical view of UN and US interests in resolving the Kashmir issue (Habibullah, 2008, p. 21). Pakistan and the US were moving towards an alliance and so India was positioned with the Soviet Union, despite Nehru’s policy of non-alignment. In addition to framing Indo-Pakistani relations in a new east vs. west mind frame, the changing global context also framed Kashmir in terms of geopolitical importance. Kashmir’s shared border with China and proximity to the Soviet Union served as yet another reason to keep Kashmir high on the agenda for both Pakistan and India.

In May of 1952, Sheikh Abdullah, now the Prime Minister of Kashmir, set up a committee to address the plebiscite for Kashmir, with the inclusion of a third option of Kashmir independence (not a part of the original UN resolution). This move was popular in the valley
but controversial in Delhi, and led to Sheikh Abdullah’s arrest and imprisonment by the Indian government, on the grounds of treason. Abdullah had also discussed the issue of an independent Kashmir state with US officials, most notoriously Adlai Stevenson, the defeated US presidential candidate in 1952. Abdullah’s discussions with Americans further unnerved India, despite Abdullah’s socialist tendencies for reform in Kashmir. However India’s removal of the most popular Kashmir leader, the ‘Lion of Kashmir’, was only a first major action which contributed to the rapid decline of India’s popularity in Kashmir. (Habibullah, 2008, p. 23).

Even in prison, Abdullah continued to represent the Kashmiri drive for self-determination. From prison he facilitated the formation of the Plebiscite Front (PF), with the obvious intention of carrying out the plebiscite deemed in UN resolution 47. Despite the splintering of other Kashmiri civil society groups and political parties throughout the following decades, the Plebiscite Front continued to enjoy mass support into the early 1970s (and even had a following in Azad Kashmir). The PF was banned in 1971 under the Unlawful Activities (Prevention) Act, claiming that the PF had “on diverse occasions by words, either spoken or written, and signs and visual representations…asserted a claim to determine whether or not Jammu and Kashmir will remain a part of India.” (Bose, 2003, p. 87). This ensured that Kashmir remained controlled by an Indian-backed state government that was becoming increasingly alienated from the people of Jammu and Kashmir. (Habibullah, 2008, p. 35).

1965 War
While the 1965 Kashmir War was certainly an important development in the overall Kashmir conflict, the conflict was almost entirely between India and Pakistani forces. (Essentially, although the war took place in Kashmir, it had little to do with the people of J&K.)

Following a series of skirmishes along the cease-fire line between India and Pakistan over a small piece of territory, the Rann of Kutch, Pakistan’s President Ayub Khan’s decided to launch an unprovoked war on India to attract international attention on the issue. Pakistan’s success in the Rann of Kutch conflict was due to the internationalization of the issue – through the peace process initiated by Western powers, Pakistan was awarded the Northern half of the Rann. Writer Morrice James notes, “The Pakistanis thus gained more by accepting Western mediation between Indian and themselves than they would have achieved alone.” (quoted in Schofield, 2010, p. 107). Thus, the 1965 War was confidently initiated with ‘Operation Gibraltar,’ which was designed to instigate a rebellion in IAJK. Ayub Khan was under the impression that “if the Kashmir dispute could be reactivated by stirring up a rebellion in the Indian-held section, a critical situation would arise which would be sufficient to oblige the western countries to intervene.” (Schofield, 2010, p.107). The plan was critically misinformed, however, and no efforts were made beforehand to connect to any Muslim leaders in IAJK itself. Thus, when the operation took effect, it quickly became clear that “the valley was not ripe for revolt” (Schofield, 2010, p. 108). Furthermore, Ayub Khan had been banking on a stereotype of ‘the Hindus’ which became a critical miscalculation. Khan’s prejudiced idea that the “Hindu has no stomach for a fight” caused him to significantly underestimate the Indian counter-offensive (Altaf Gauhar, Ayub Khan, p. 312).
The operation backfired, and under international pressure (namely the Soviet Union and the United States), India and Pakistan complied with the September 20, 1965 UN mandated cease-fire. Soon after the two parties signed the Tashkent Declaration, which stated that both nations would return the cease-fire line to its pre-war location. With no tangible gains on either side, significant losses of resources, and destruction to both sides of the cease-fire line, the conflict could objectively be seen as a loss for both India and Pakistan. However, despite India’s military superiority in the 1965 War, Pakistani leaders were especially adept at transforming a failed attempt at cultivating insurrection into a just war against Indian oppressors. For instance, in the days following the ceasefire, Zulfikar Ali Bhutto, then the Foreign Minister of Pakistan, gave a speech in which he framed the war as a defensive measure. He then promised that Pakistan would fight for “a thousand years a war of defence.” (Wolpert, Bhutto, p. 94). In general, Pakistan wove a very convincing narrative of the ‘just cause’ of intervening on behalf of the Kashmiri people, who were ‘subjected by India and abandoned by the international community’.

1960s and 70s: Increased Dissatisfaction with India in IAJK

While Indian Administered Kashmir and Jammu (IAJK) was not ‘ripe’ for insurrection in 1965, India’s undermining of local democratic representation and increasingly harsh treatment of pro-azaadi (freedom) citizens began to cultivate a sense of resentment among Kashmiris. Ultimately this led to the conditions which allowed the 1990 insurgency to emerge.

In 1962, The Defense of India Act passed, resulted in the Defense of India Rules, which in Kashmir prohibited any freedom of gathering, dissent or activism, and allowed police to arrest
and detain suspects without giving their reasons to the local magistrate. The rules were intended nationally to curb “threats to national security in wartime” however “in Kashmir, they were used to quell civil unrest.” (Habibullah, 2008, p. 28). Furthermore, the special status of Kashmir was attacked by the India-backed Kashmir government. One strong indication of this was the removal of the special titles sardar-i-riyasat and wazir-i-azam (Urdu for prime minister), which were then replaced by the ‘chief minister’ title used by the other states in India. (Habibullah, 2008, p. 34).
Throughout the 1960s and ‘70s these factors led to increased public dissatisfaction with Kashmir’s political position in regards to India. Protests began to occur regularly. A recurring protest became the so called ‘Black Flag Days’ – enacted around the same time as India’s Independence Day (August 15), consisting of hartals (mass strikes) to protest the imprisonment of Sheikh Abdullah and the dismissal of his government.

In 1971 India and Pakistan were once again engaged in war, but this time over East Pakistan, which later gained independence as Bangladesh. This war, while carrying implications for Indo-Pakistani and Hindu-Muslim relations, made “hardly a ripple” in Kashmir (Habibullah, 2008, p. 29). Pakistan’s defeat to India in the 1971 War did however, lead to a climate which was conducive to negotiations on other subjects. In July of 1972, Pakistan’s president Zulfikar Ali Bhutto and India’s Prime Minister Indira Gandhi signed the Simla Agreement, which stated a desire to discuss the “establishment of durable peace and normalization of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.” (quoted in Habibullah, 2008, p. 33).
The Simla Agreement was significant in that it affirmed India and Pakistan’s commitment to resolving Kashmir bilaterally, without the aid of the UN or any other international third party. This declaration essentially nullified the UN Resolution of August 13, 1947 and removed the justification for the continued presence of UN peacekeeper troops on the ceasefire-line (renamed the ‘Line of Control’ (LOC) to further emphasize the lack of necessity of the UNMOGIP).

The general elections of 1977 were also a turning point for the Kashmiri people’s quest for self-determination. Following Indira Gandhi’s declaration of emergency rule in India and her subsequent resignation from office, the Hindu-nationalist Bharatiya Janata Party gained national control of India, rendering the Indira-Sheikh accord obsolete. The state of Kashmir and Jammu was placed under direct governor rule and elections for 1977 were announced. Despite extended efforts to sway the elections in favor of the local Bharatiya Janata Party, Sheikh Abdullah’s National Conference experienced great support. These elections are widely acknowledged as the fairest elections in the history of Kashmir, due to the “high public participation and the healthy slate of candidates.” (Habibullah, 2008, p. 40). Despite a strong opposition formed by Mirwaiz Mohammed Farooq, the imam of the Srinagar Jami Masjid (mosque), Sheikh Abdullah’s National Conference won the election, displaying for the first time a “glimmer of hope in Kashmir.” (Habibullah, 2008, p. 41). Unfortunately this hope was short-lived.

1977 was marked by a steady decline in support for Sheikh Abdullah, as his administration began to weaken from different faction’s competing to be his successor. The Sheikh’s long-time friend and advisor, Mirza Afzal Beg, was a logical successor, however the Sheikh’s son-in-law Ghulam Mohammad Shah (G. M. Shah) succeeded in marginalizing Beg to
the point that he withdrew from the administration. His departure left a legal vacuum in which
corruption and nepotism grew. (Habibullah, 2008, p. 49). Partly in response to this lapse in
governance, the government created the Public Safety Ordinance in October of 1977.

Following Sheikh Abdullah’s death in October of 1982, his son Farooq Abdullah became
Chief Minister of Kashmir and Jammu and leader of the National Conference party. Farooq
Abdullah soon came head-to-head with Indira Gandhi’s National Congress Party, which wanted
more influence in Kashmir through Farooq’s National Conference. An example of how
desperately Indira Gandhi sought this influence is that she personally campaigned for the state
elections in Kashmir for her Congress Party (while she was the serving prime minister of India –
her second term). (Habibullah, 2008, p. 51). In 1984, Gandhi made Jagmohan the governor of
Kashmir and Jammu, who then suggested to her that “popular rule be replaced by governor’s rule
under Article 92 of the constitution of Jammu and Kashmir, which provides for governors rule if,
at any time, the governor is satisfied that a situation has arisen in which the government of the
state cannot be carried on in accordance with the provisions of the state’s constitution.”
(Habibullah, 2008, p. 53). Gandhi however was reluctant to remove an elected government, and
therefore contented herself with replacing Farooq Abdullah with G. M. Shah as the head of the
National Conference in 1984. This divided the National Conference, with the break-away group
supporting Shah, and Abdullah still maintaining support. Abdullah even experienced a surge of
‘sympathy’ support, as he was perceived as a victim of “Delhi’s political imperialism.”
(Habibullah, 2008, p. 53).

This and other displays of India’s inability to allow IAJK the same degree of autonomy
allowed to other Indian states only deepened the mistrust of Indian motives for Kashmir.
Wajahat Habibullah recalls the overthrow of Farooq Abdullah’s government as the beginning of a “chain of events that would lead to disaster.” (2008, p. 54). On March 7 of 1986, Jagmohan’s recommendations materialized and Shah’s government was dismissed and replaced by direct governor’s rule. Habibullah writes, “In no other Indian state had a government been dismissed solely because of communal rioting.” (2008, p. 55). The reaction among Kashmiris was to alienate them from the ‘democratic’ government, encouraging them to increasingly look to other civil society groups for representation. This culture of mistrust also damaged the traditional harmony of Kashmiri Hindu-Muslim relations.

A simultaneous development was Indira Gandhi’s assassination on October 31, 1984 and the consequent rise of her son, Rajiv Gandhi. Following Rajiv Gandhi’s election to the office of Prime Minister in 1985, he began talks with Farooq Abdullah to restore an elected government in Kashmir. The resulting agreement aligned Abdullah’s National Conference with Gandhi’s Congress Party, a move that Sheikh Abdullah had resisted for decades in order to keep Kashmir’s popular party independent from Delhi’s control. Farooq Abdullah’s decision to unite with the Congress Party was widely interpreted in Kashmir as a compromise which sacrificed what little Kashmiri political independence existed in the state. Farooq Abdullah lost all legitimacy with the Kashmiri people following this move. As Habibullah writes, “Many analysts regard the accord as the final straw that drove a disaffected public into rebellion.” (Habibullah, 2008, p.56). By politically uniting the National Conference and the Congress Party, this ensured that the only sufficiently independent (i.e. legitimate) option for the majority of Kashmiris became the Muslim United Front (MUF). (Habibullah, 2008, p. 59). (The Muslim United Front
was a party which emerged in the 1980s as a direct response to the then-detested National Conference and consisted of a coalition of anti-India groups).

In contrast to the 1977 elections, the 1987 elections displayed a wide range of corruption and electoral fraud, returning Congress Party and the National Conference to power. For instance, in the contest for the seat of Amirakadal in Kashmir’s legislative assembly, it was clear that the MUF’s Yusef Shah was the popular choice. However, G.M. Shah of the National Conference was declared the winner. Yusef Shah and his campaign manager Yasin Malik (later critical in the insurgency) were then imprisoned until the end of 1989 “without any formal charge of court appearance, let alone a trial.” (Bose, 2003, p. 49). The overuse of election rigging techniques was detrimental to the Congress-National Conference alliance, which would likely have won a majority in the Assembly without resorting to fraud. Unfortunately it was also the case that Kashmiris did not trust the Indian Election Commission, a body which was designed to prevent such electoral rigging. As it was, however, the blatant disregard for democratic processes invited more widespread protests.

1980s: Escalation

The late 1980s in Kashmir were witness to several escalatory events and attacks which transitioned the rebellion into a full-force militant insurgency in 1990. The introduction of violent attacks came in March of 1988, beginning with a Jammu and Kashmir Liberation Front (JKLF) bomb blast in Srinagar. This was the beginning of JKFL’s ‘Quit Kashmir’ movement against the India-controlled Kashmiri government. (The Quit Kashmir movement was in many ways modeled after Sheikh Abdullah’s Quit India movement against Maharaja Hari Singh over
four decades ago). Other organized militant groups also emerged, giving a face and a name to the militant rebels. For instance, Jamaat Islami developed a militant wing, the Hizb-ul Mujahedeen (HM).

Common to pre-insurgency patterns, this phase (consisting mainly of late 1989) was marked by several targeted killings of known or suspected Indian informants (Bose, 2003, p. 96). Both Muslims and Hindus were targeted – although the targeting of Muslims was roughly three times the number of Hindu Pandits targeted. In this period, “more than one hundred such killings occurred, effectively paralyzing the government’s administrative machinery and severely damaging its surveillance and intelligence apparatus.” (Bose, 2003, p.108). The practice of kidnappings also began prominently with the kidnapping of Dr. Rubaiya Sayeed, the daughter of the Kashmiri Muslim Interior Affairs Minister, by the JKLF.

In January of 1990, Farooq Abdullah’s government was once again removed under Article 356 of the Indian Constitution (citing breakdown of civil order) and Kashmir was placed under direct rule under Governor Jagmohan. This exacerbated the rebellion, particularly since the common perception in Kashmir was that Governor Jagmohan was biased against Muslims. (Habibullah, 2008, p. 69.) Even the National Conference party was renounced by the militants, however, who viewed the party as a group of Indian government collaborators. The militants’ subsequent rejection of all government administration in Kashmir and Jammu left the state’s population without a nonviolent structure to channel anger constructively for change.

It is critical to point out that in the beginning years the insurgency (primarily represented by JKLF) enjoyed some public perceptions of legitimacy, as the line between the popular rebellion and the violent insurgency was still hard to discern. These two movements emerged
separately from a shared repressive socio-cultural context. The militant insurgency in Kashmir was almost entirely created by the JKLF, which trained across the Line of Control with the help of Pakistan’s Inter-Services Intelligence (ISI). Following this, other militant groups quickly aligned with JKLF’s mission in early 1990. On the other hand, the popular resistance in the valley (which developed simultaneously, but separately) was a response to Indian government’s repressive actions against democratic expression in Kashmir. While the popular uprising had violent elements (such as squads of stone-throwing youths who clashed with Indian security forces) and protestors were routinely wounded and killed, the militant aspect of the insurgency developed almost entirely independently. Indeed, the JKFL’s militants in Kashmir were “initially stunned by the spectacular scale and emotional intensity of the protests.” (Bose, 2003, p. 109). Since this point, there have been phases where the militancy was widely supported, and other times where public perceptions were largely anti-militancy, however it is important to note the distinct nature of these two phenomena.
INSURGENCY

Against the backdrop of the fall of the Soviet Union, Kashmir erupted into full force violence in 1990, marked by multiple large-scale strikes, imposed curfews, insurgency attacks, and indiscriminate counter-attacks by security forces. The following section chronicles the major developments of the insurgency in Kashmir, which drastically altered the original conflict from a primarily inter-state dispute between India and Pakistan to an internal war within Kashmir itself. After being promised self-determination and popular sovereignty in the 1940s, but continuously denied true representative democracy by the Indian government for close to fifty years, Kashmir’s people turned to militants who sought to secure their democratic rights through violence. Sumantra Bose mentions three distinct phases of the insurgency: the intifada or uprising phase, from 1990 to 1995; a “period of demoralization and atrophy” from 1996 to 1998; and a fidayeen (suicide-bombing) phase from 1999 to 2002 (Bose, 2003, p.108). The following overview follows the three phases outlined by Bose, and stops in the early 2000s.

Before launching into the major events of the insurgency, it is interesting to look outside of Kashmir and to the rest of the world in 1990. The insurgency emerged against the backdrop of several parallel international events, namely the fall of communist regimes in central and eastern Europe, the Palestinian intifada against Israeli occupation, the Soviet withdrawal from Afghanistan leading in an Islamic mujahedeen victory, and the short-lived Tamil Tiger success in Sri Lanka stale-mating a significantly superior Indian fighting force (Bose, 2003, p. 111). Furthermore, in Delhi, the Rajiv Gandhi-led Congress Party had fallen and was replaced by an unstable coalition in 1989, lending to a sense of opportunity for change in Kashmir (Habibullah, 2008, p. 66). While in reality, these other events had far less in common to the Kashmir
insurgency than perceived at the time, the Kashmiri uprising was strengthened by a feeling of solidarity with these other struggles for independence against repressive forces, particularly the Tamil Tigers’ short-lived victory against Indian forces, which Kashmiris were also fighting. Finally, the Afghani victory over Soviet forces also contained a logistical element – Afghani mujahideen played a limited role in training Kashmiri insurgents, and more importantly in supplying arms. A few Afghani mujahideen even crossed the LOC to fight in Kashmir, although Pakistani militants far outnumbered Afghani fighters. In addition, the CIA-backed covert war in Afghanistan against the Soviet Union empowered the Pakistani Inter-Services Intelligence (ISI) with considerable resources and autonomy (Bose, 2003, p. 125). The ISI, as is discussed later, played a tremendous role in nurturing and later splintering the insurgency in Kashmir.

Phase One: Intifada (1990 to 1995)

The first phase that Bose identifies of the insurgency is the initial uprising phase, or intifada. What is important to note about this beginning is that it was very limited geographically and culturally to the Kashmir valley. The first militants were fighting in Kashmir, for Kashmiri Muslims. Muslims in other parts of the state and Hindus, Sikhs and Buddhists were almost entirely overlooked initially. While the insurgency spread to neighboring Jammu and Ladakh in coming years, the Kashmir valley has been the primary area of violence. (Bose, 2003, p. 117).

In the early days of the insurgency, the Kashmiri government committed two grave mistakes: first, they allowed security forces to overreact to the insurgency, primarily by storming suspects’ homes, mistreating political prisoners, and in general inducing a communal fear of the government. The second mistake is in regards to the JKLF’s kidnapping of Dr. Rubaiya Sayeed
in December of 1989. The JKLF demanded a return of political prisoners, and the Indian
government caved to this request, releasing five top JKLF militants. In a later effort to reverse
this precedent, the government refused to negotiate with militants for the return of three
Kashmiri civilians. The three men were subsequently murdered. (Habibullah, 2008, p.69).

One early polarizing incident was the security forces firing on crowds of protestors on the
Gaw Kadal bridge in Srinagar, termed the Gawakadal Massacre on January 21, 1990. In this
particular instance, a large crowd of protestors gathered on the Gaw Kadal bridge and were
indiscriminately shot at by paramilitary forces. Many protestors seeking to avoid the fire jumped
into the river and subsequently drowned. The death toll was estimated at close to fifty
(‘Growing Up in Kashmir’s War Zone’, BBC News, 16 Aug 2007). During the three-day period
of January 21 to 23, close to three hundred unarmed protestors were thought to have been killed
by Indian paramilitary forces. (The most brutal Indian forces, the Central Reserve Police Force
(CRPF) and the Border Security Force (BSF) were known as paramilitary forces “because their
structure, organization, weaponry, and role place[d] them in the gray area between ordinary
police and the professional military [and] consisted almost entirely of non-Muslims Indians from
outside IKJ”) (Bose, 2003, p. 109).

During one lull in curfews, on March 1, 1990, “more than one million” Kashmiris
marched to the headquarters of the UNMOGP in Srinagar, where an appeal was made to the UN
to grant Kashmiri self-determination. Indian security forces once again dispelled the crowd with
indiscriminate firings, resulting in casualties and further inflaming the populace. (Habibullah,
2008, p. 74).
Another large development was the so-called Pandit Exodus from Kashmir. As Bose writes, “the azaadi movement has never been able to live down the taint of the Pandit exodus.” (2003, p. 124). Muslim and Hindu (Pandit) discourses have diverged significantly on this event. As the violence increased in Kashmir, the Pandits were targeted as supporters of Jagmohan (and of India generally). This led to a large-scale migration of Kashmiri Pandits in February of 1990 to the neighboring Jammu. The causes for the Pandit Exodus are a great source of differing opinions – Kashmiri Muslims claim that Jagmohan manufactured fear of persecution in the Pandit community and encouraged the exodus, while Pandits feel that Jagmohan protected them from targeted communal violence in Kashmir. A member of the Muslim United Front in 1990 even “accused the administration of encouraging the migration so that the valley would be cleared of Hindus and the army would be free to aim its artillery at all habitations, which would by then be entirely Muslim or Sikh.” (Habibullah, 2008, p. 73). Whatever the reason, the majority of Pandits have yet to return to Kashmir, and are living as internally displaced persons in Jammu. The Pandit Exodus has grown into a sort of mythology which is frequently cited by Hindu Nationalists in India when arguing for a Hindu homeland. The more extremist, Hindu-nationalist members of the displaced Pandits also represent a spoiler group to any peace process through their insistence on a separate Hindu Pandit state, partitioned from the state of Kashmir and Jammu.

In addition to harsh paramilitary responses, the Indian government responded with a series of restricting legislation which limited Kashmiri rights to an even further extreme and gave the security forces unparalleled power. In addition to martial law, the government imposed an Armed Forces Special Powers Act, a Disturbed Areas Act, and the Terrorism and Disruptive...
Activities (prevention) Act (Bose, 2003, p. 112). Local Kashmiri police were replaced by the Indian security forces, which viewed the entire Kashmiri population as suspect – “not just disloyal to India, but, much worse, in league with the enemy state across the LOC.” (Bose, 2003, p. 113). As Indian forces ‘crackdowns’ became the primary counter-insurgency method, allegations of massive human rights abuses by the Indian forces piled up. Amnesty International estimated in 1999 that over 800 Kashmiris had never returned after being taken into custody (Amnesty International, ‘If they are dead tell us: disappearances in Jammu and Kashmir – London, Feb 1999.) This also created significant psychological trauma of ‘disappeared’ loved ones.

All of these examples of significant events which occurred in the early days of the insurgency serve to highlight three key facts. The first is the ready availability of the Kashmiri population to rise up in popular protest against Indian treatment. As stated, the JKLF, originating from Azad Kashmir, did not expect to find so much popular support within Kashmir.

The second key fact is the brutal and over reactive nature of the Indian forces and government response to the emergence of the JKFL. A more surgical response, which did not target Kashmiri civilians, would have been entirely more appropriate, and might have prevented much of the quick escalation into an entrenched internal insurgency. As is the nature of escalation of conflicts, the Indian government’s heavy-handed responses to the insurgency only gave more legitimacy to the militant cause, especially as civilians saw that they would be targeted even if they did not fight. However it is important to remark that the Indian response, which did not shy from restricting civil liberties and targeting civilians, is a phenomenon which has much deeper roots in history. Since accession in 1947, Delhi-governments have been eager
to impose their will on subsequent IAJK governments, displaying no qualms to removing
governments and leaders when their positions varied too much from the central Delhi-ordered
stances. Thus, many of the democratic rights enjoyed throughout the rest of Indian states had
already been routinely denied in Kashmir, and the insurgency only caused a tightening of this.
Overall, the human rights crisis which emerged from the Indian security forces response was
perhaps the worst response the Indian government could have had. The situation has entered a
spiral of violence which to this day results in tragic consequences. Indian counterinsurgency
estimates count 40,000 total deaths between 1989 and 2002, including civilians, militants and
paramilitary forces (while the Hurriyat Conference claims the total number is closer to 80,000).
(Bose, 2003, p. 4).

A final key point is how the insurgency brought communal tensions to the forefront of
the conflict again. Up to this point, most of the major parties and actors within Kashmir had tried
to play down the communal elements of the conflict, particularly Sheikh Abdullah and the
National Conference, which advocated a secular approach to the peace process. However
beginning in the mid-1980s, religious groups (both Hindu and Muslim) began to expand their
influence. The Praja Parishad, a Hindu organization associated with the Hindutva movement
(‘Hindu-ness’ or Hindu Nationalism) had been present in Kashmir since before Kashmir’s
accession, merging with the Bharatiya Jana Sangh in the 70s. In 1986, the Islamic organization
Jamaat Islami created the Muslim United Front (MUF), an umbrella organization which also
contained the People’s Conference, the Ummat-I-Islami, and the Ittehad-ul-Muslimeen.
(Habibullah, 2008, p. 56). Jamaat Islami was largely responsible for bringing madrassas to
Kashmir and Jammu (in Kashmir, religious education had traditionally been left to the elders in a
family, as opposed to a communal religious school). These Jamaat Islami madrassas contributed greatly to the religious tone of the insurgency, which otherwise might have been more politically minded, as previous civil unrest in Kashmir had been (Habibullah, 2008, p. 57).


to the insurgency. There were various insurgent groups that operated in the region, including the Hizb-ul Mujahideen, the Jamaat Islami, and the Lashkar-e-Taiba. These groups were often supported by external actors, such as Pakistan, and operated with the aim of secession from India.

Phase Two: Demoralization and Atrophy (1996-1998)

The second phase of the insurgency that Sumantra Bose identifies is characterized by a loss of hope of the population, a renewed counterinsurgency offensive by Indian forces against the remaining group, the Hizb-ul Mujahideen, and an enforced ‘normalcy’ in the urban areas as the main theatre of the insurgency moved to the rural areas. More and more, the Kashmiri people felt trapped between two sides in a fight, neither of which truly represented their aspirations of azaadi.

In 1996, the Indian government in Delhi decided to hold elections in IAJK. Farooq Abdullah and the National Conference were once again reinstalled, in a farce of Kashmiri democracy. As before, the National Conference largely served as Delhi’s puppet. Kashmiris no longer derived any legitimacy from the government – local or national, and the closest thing to a representative group in Kashmir was likely the Hurriyat Conference, an umbrella organization for all IAJK parties working (or fighting) towards self-determination and Kashmiri independence. The Hurriyat’s popularity was demonstrated by the success of its calls to boycott the elections in Kashmir in 1996 (Bose, 2003, 138). The 1996 election suffered critically from low-turnout as the Kashmiri people saw no use in participating in a sham of a democracy.

Insurgent Groups
At this point it is appropriate to briefly recall the origin and formation of the Jammu and Kashmir Liberation Front (JKFL) and the other armed groups of the insurgency. The JKLF was founded in the 1960s by Amanullah Khan, the chief pro-independence activist of Azad Kashmir. Originally the organization was active only in Azad Kashmir, but in the 1980s it crossed the LOC to IAJK, and was able to fill the vacuum left when the National Conference fell from its position of legitimacy amongst the public (Bose, 2003, p. 117). The JKLF championed the cause of azaadi – Kashmiri independence from both India and Pakistan (despite its organizational roots in Pakistani Kashmir). From 1988 to 1990, the Pakistani Inter-Services Intelligence (ISI) nurtured the JKLF in preparation for the insurgency in Kashmir. After the insurgency began however, the JKLF continued to resist any platform other than Kashmiri azaadi. Thus, the ISI sought to replace the JKLF with a Pakistan-leaning guerilla group. The ISI embarked on a two-fold strategy of undermining the JKLF and simultaneously promoting a pro-Pakistan group, the Hizb-ul Mujahideen (HM). HM was the armed group of the Pakistani conservative Islamic party Jamaat Islami, and was thus deemed suitable to take over the insurgency in Kashmir.

The ISI’s betrayal of JKLF in favor of HM had profound repercussions for the insurgency, which began to splinter and fragment from within. HM began targeting JKLF and other guerilla groups to establish superiority in the fight, both ideologically and militarily. The JKLF by and large represented the will of the people, but by 1993 HM dominated the insurgency (Bose, 2003, p. 129). In 1994 Yasin Malik, a prominent leader of the JKLF, declared an indefinite cease-fire for the JKLF. This marked the transition of the JKLF into the political realm of solutions, leaving the HM as the dominant insurgent force. After the cease-fire however, the HM was still not satisfied and participated in eliminating remaining JKLF fighters by informing
Indian counterinsurgency forces of their whereabouts, and also by targeting smaller indigenous
guerilla groups (Bose, 2003, p. 134).

HM’s “ideology of Kashmir banega Pakistan (Kashmir will become Pakistan) remained
a minority orientation, at odds with the continuing popular appeal of independist ideology in the
pro azadi areas of IJK” (Bose, 2003, p. 130). Additionally, the orthodox Islam promulgated by
HM was not popular with Kashmir Muslims, who preferred their Sufi tradition of Islam. Large
public demonstrations against HM’s actions began in the mid-1990s. One account from 1995
remarked, “…Pakistan’s heavy influence on the movement is deeply resented…India clearly
hopes to exploit the sentiment…In the long run, Pakistan’s powerful intervention may prove to
have undermined the very uprising it sought to fortify.” (Newberg, P. & Nishihara, M.,1995, p.
73). The eventual consequences of the fragmentation of the insurgency from Pakistani (and
Indian intervention) was a confused insurgency with elements of a ‘proxy war’, complete with
spiraling violent (and increasingly criminal) patterns of attacks and human rights abuses.


In the time leading up to the 1990 Kargil War in Kashmir, there was brief glimmer of
hope for the peace process. In 1998, both India and Pakistan conducted nuclear tests, officially
adding another high-stakes element to the conflict. However, the realization that both states were
now nuclear powers created a space for dialogue between India’s Prime Minister Atal Vajpayee
and Pakistani’s Prime Minister Nawaz Sharif, resulting in the Lahore Declaration of February
1999. The Lahore Declaration reaffirmed the commitments to constructive dialogue made in the
Simla Agreement of 1971, and notes that “an environment of peace and security is in the
supreme national interest of both sides and that the resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose.” (‘Lahore Declaration Text’, Nuclear Threat Initiative, 1999). Unfortunately, this progress was short lived as conflict erupted in the Kargil region of Ladakh in the summer of 1999. The operation is widely believed to have been orchestrated by Pervez Musharraf, then Pakistan’s chief of army staff. The Kargil war concluded in July of 1999, and in the following months Sharif was ousted by Musharraf in Pakistan.

The fidayeen (‘life-threatening’) phase of the insurgency was marked by an introduction of suicide attacks into the Kashmir insurgency. The majority of these attacks were carried out by two new guerilla groups, Lashkar-e-Taiba (LT) and Jaish-e-Mohammad (JM) (Bose, 2003, p. 146). As it became clear by 1994 that violence was not bringing Kashmir any closer to its goal of azaadi, the insurgency transformed into a low-intensity war in Kashmir, but fought primarily by Indian security forces and Pakistani-origin fighters (Habibullah, 2008, p. 82). One attack in particular which undermined Indo-Pakistani relations was the December 2001 attack on India’s Parliament building in New Delhi. With the concurrent world shift resulting from the September 11th World Trade Towers, the Kashmir conflict gained a new facet, and a new ‘terrorism’ vocabulary.

With a conservative Hindu-nationalist government at the helm of India from 1998-2004, India refused to resume dialogue with Pakistan until Pakistan stopped sponsoring ‘cross-border terrorism.’ In the post-September 11 global context, Indo-Pakistani relations have once again been largely stalemated on the issue of terrorism and Kashmir.

The nature of democracy in Kashmir
The focus of this paper is the consistent presence of democratic ideals and self-determination rhetoric that frames the Indian, Pakistani and Kashmiri positions on the conflict. Up to this point I have largely dealt with the history of the conflict from the perspectives of the major parties, pointing out where major self-determination rhetoric emerged and evolved throughout the insurgency. However before laying out the positions of India, Pakistan and Kashmir, I would like to look at the actual state of democracy in Kashmir, and point out its inconsistencies with the rhetoric of democracy.

As I have already described, the roots of democratic action in Kashmir rest with Sheikh Abdullah and the founding of the National Conference. Abdullah’s goals for Kashmir were framed in language of self-determination and Kashmiri independence, and were partnered with the UN resolution rhetoric on a commitment to a plebiscite for the Kashmiri people. However in truth, Abdullah’s government and subsequent National Conference governments did not resemble the liberal democracy idealized in pro-Kashmiri independence rhetoric. Indeed, Sumantra Bose writes that Sheikh Abdullah’s New Kashmir program “was clearly based on a Jacobin conception of popular sovereignty, augmented by a generous dollop of Bolshevism…in the socio-economic parts of the program” (Bose, 2003, p. 26). In practice, Abdullah’s government contained a “deeply authoritarian streak” (Bose, 2003, p. 27), in something akin to Pareto’s cycle of elites (1968). The National Conference, while fighting for popular sovereignty, was at odds with other basic tenets of liberal democracy, namely accountability, political pluralism and tolerance of opposition parties. Furthermore, as is the tradition, leadership of the National Conference has remained in the Abdullah family, from Sheikh Abdullah to Farooq Abdullah, and his son, Omar Abdullah, currently Chief Minister of Jammu and Kashmir (India’s
The Congress Party has also been dominated by a particular lineage, beginning with Jawaharlal Nehru, his daughter Indira Gandhi, her son Rajiv Gandhi, his widow Sonia Gandhi, and their son Rahul Gandhi; and a similar phenomenon has occurred in Pakistan with Zulfikar Ali Bhutto, his daughter Benazir Bhutto and her widower Asif Ali Zardari (Bose, 2003, p. 275). In this regard the National Conference can also be seen as following the same patterns of their historical oppressors – the Hindu Dogra Dynasty.

It is also interesting to examine the National Conferences’ ‘democratic integrity’ in regards to the vast land reform enacted by the New Kashmir program under Sheikh Abdullah. The program is clearly a socialist conception, aligned at the time with Congress Party’s socialist leanings. This program also had implications for the National Conference’s support base – which on a surface level could be regarded as primarily along religious lines (Kashmiri Muslims). On closer inspection however, it is revealed how the New Kashmir program succeeded in freeing 700,000 landless peasants (mostly Muslim) from a feudalistic system through massive land redistribution. (Bose, 2003, p.27). These peasants then formed the support base for Abdullah’s later actions. This is even represented by the fact that the National Conference’s flag depicts a plow with a yellow and red background. Thus, the rhetoric of Abdullah’s National Conference did not necessarily match its actions, in terms of holding to the ideals of liberal democracy.

As the previous sections detail, local Kashmir government was gradually subverted by subsequent Delhi-governments and the lack of true democracy in Kashmir became increasingly apparent. As a consequence of aligning with India’s Congress Party, the National Conference lost legitimacy with the people as a truly representative party (which it had not been initially anyhow). However, India’s rhetoric contains a major contradiction in that it claims Kashmir as a
centerpiece of Indian democracy, as living proof that Muslims and Hindus can coexist within a nation. However, “With the partial exception of 1947-1953 and 1977-1984, New Delhi elites have ruled the territory through a combination of direct control and intrusive intervention, and through sponsorship of intermediary IJK governments unrepresentative of and hence unaccountable to the population.” (Bose, 2003, 97). Thus Kashmir is praised as the key to Indian democracy, but denied those very democratic rights.

It is no surprise, then, that change-seekers in Kashmir turned to militancy, having thoroughly lost faith in the democratic system. Indeed there are prominent examples of this. Yusef Shah, a candidate in the 1987 elections, was so disgusted with the corruption and buying of the elections that he ‘metamorphosed’ into the Hizb-ul Mujahideen commander Syed Salahuddin. A second example is Yasin Malik, renowned leader of the JKLF, who was previously a Muslim United Front campaign manager (Bose, 2003, p. 99).

A critical related point is why Azad Kashmir has never experienced the sort of public uprising and insurgency that Indian-Administered Jammu and Kashmir (IAJK) has. Perhaps the primary reason is that any notion of Kashmiri independence (the so called ‘third-option’) is not tolerated in Azad Kashmir. Indeed, in order to run in an election, a party must sign an agreement that the party is fundamentally in favor of Pakistani-accession (Bose, 2003, p. 100). However this intolerance of the idea of Kashmiri independence can also be found in IAJK. The other explanation for why Azad Kashmir did not erupt into public revolt as IAJK did stems from relative deprivation theory (Gurr, 1970). There has never been a large discrepancy between the democratic rights allowed in Azad Kashmir and those allowed in the rest of Pakistan. In India, however, Kashmir is the only Indian state to suffer under such repressive, militaristic conditions.
of direct Delhi-control. The vast inconsistency between the rights allowed to other Indians versus Kashmiri Indians is a major contributing factor to fanning the fires of insurgency and public revolt.

In Kashmir today, mass protests and strikes have continued to disrupt routine life in Kashmir, despite the imposition of curfews over entire towns and cities, sometimes for weeks at a time (Bose, 2003, p. 114). In a particularly telling instance of the popular commitment to popular sovereignty, in March of 1990 over 300,000 azaadi protestors marched to the shrine of the Valley’s patron saint, 14th century Sufi mystic Sheikh Nooruddin Noorani. At the shrine, the crowd took a collective oath to pursuing self-determination in Kashmir (Bose, 2003, p. 115). Despite a prolonged insurgency of over twenty years, the Kashmiri people’s resolve for azaadi has not weakened.
METHODOLOGY

This analysis of Indian, Pakistani and Kashmiri national-level discourses on the Kashmir conflict rests on the tenets of positioning theory. Positioning theory is a unique analytical framework emerging from the fields of linguistics, psychology, micro-sociology and philosophy (Moghaddam, et.al. 2008, p. ix). Applied to conflicts, it presents a unique approach to examining the discourses of opposing groups as a major contribution to the conflict, as opposed to studying the conflicts themselves. As this analysis of the Kashmir conflict will hopefully demonstrate, switching the emphasis from the conflict itself to the talking and writing surrounding the conflict can bring new light to an otherwise intractable conflict, potentially aiding in resolution. Essentially, by bringing attention to the “patterns of belief, customs and habits that nourish conflict,” (Moghaddam, et.al. 2008, p. 4) groups can attempt to reframe a conflict in less exclusionary terms. One scholar concludes that analyzing conflict discourses is the next-best-thing to getting inside people’s minds. “At best,” he writes, “we learn to avoid reification and idealisation, developing an understanding of the complexities of social positioning while understanding that we can never see the whole picture, through we might begin to feel it and act strategically, and, over time, intuitively within it” (Moghaddam, et.al. 2008, p. 187).

Positioning theory is composed of three mutually-determining elements, usually diagrammed in a triangle. They are the crucial conditions for meaningful interactions (Moghaddam, et.al. 2008, p. 10).

(1). **Illocutionary force** - the meaning of actions in a social context, drawn from a “local repertoire of admissible social acts” (Moghaddam, et.al. 2008, p. 10). The concept of morally
permissible acts is closely related and often overlapping with this concept of illocutionary force. The carrying-out of the pattern of rights and duties will stem from the local illocutionary force.

(2). **Rights and duties** and how they are distributed in patterns in a social setting. These rights and duties can be understood as “clusters of moral (normative) presuppositions which people believe or are told or slip into and to which they are momentarily bound in what they say and do” (Harre, et.al. 2009, p. 9). Therefore, each distribution of a right or duty is a **position**. (Moghaddam, et.al. 2008, p. 11).

(3). **Storylines** – the structure of evolving positions, defined as “the flow of actions and interactions in an evolving social episode” (Moghaddam, et.al. 2008, p. 11). In other words, “acts of positioning and the positions are contextualized within a storyline, consisting of already established patterns and conventions, which the acts follow in a mutually constituting relationship.” (Moghaddam, et.al. 2008, p. 43). Storylines therefore are composed of the actions resulting from the varying distributions of rights and duties.

By examining these three elements and their relation to each other, positions begin to take shape. **Positions** exist in a moral landscape (consisting of rights and duties) and are assigned or seized, to be occupied by someone in an evolving storyline. They consist essentially of “clusters of beliefs about how rights and duties are distributed in the course of an episode.” Common sources of positions are traditions and customs, while storylines are often created based
on templates from folk tales, religious stories, beliefs about history and even popular television or film plots. (Moghaddam, et.al. 2008, p. 11).

**Positioning** takes place in the course of an interaction, and invokes counter-positioning and counter-counter positioning and so on. The process can be “deliberate, inadvertent, presumptive, taken for granted, and so on.” (Harre, et.al. 2009, p. 10). Positions can also be negatively assigned, as in “you don’t have the right” or “you can’t play that role”. The most important aspect of positioning is the meaning taken from occupying certain positions, which can vary from individual to individual. Just as a phrase or symbol can carry multiple meanings and interpretations, so can positions and storylines. Finally, acts of positioning can be refuted, but “only within an established context of meta-positionings, which may in turn be challenged” (Harre, et.al. 2009, p. 10).

Additionally, included in positioning theory is the notion of **pre-positioning**, which consists essentially of information gathering for knowledge relevant to current evolving positions. Such knowledge could consist of “skills, character traits and biographical facts” (Harre, et.al. 2009, p. 10). Notice, however, that positions can just as surely be created in an environment lacking in verifiable information. Positions do not necessarily have to be informed, just believed.

Finally, positions can be analyzed in a number of increments: from individually contextualized positioning acts (a specific episode); to storylines, the individual threads of a discourse; and finally the broad narratives. Storylines and narratives vary greatly in scope; they can encompass a single revolutionary idea or a broad national identity. In this way there can be individual or collective positions.
Theoretical Foundations

What distinguishes positioning theory from other analytical frameworks is the transient nature of positions. Positions are local, and can be fleeting. They can exist simultaneously with other positions, and can pre-exist before they are occupied. Nevertheless, positioning theory is closely related to theories of irrationality, identity and justice. The influence of theoretical predecessors on positioning theory is significant, so I have taken this chance to expand on several major contributing theories. Emerging largely from the psychology field of intergroup relations, many of these theories form the backbone of the assumptions held by positioning theory, in particular irrationality and identity. However, positioning theory also differs significantly from intergroup relations analysis, for example in terms of a much more flexible time frame.

There are four areas of theory which relate to positioning theory and are also relevant to this analysis on the discourses of war and peace in Kashmir. These are theories on irrationality, materialism, perceived justice and identity (and often these distinctions overlap). What follows is a brief discussion of the most important theories from these four areas which are relevant to this analysis.

Irrationality

There is naturally a strong irrationalist theme in positioning theory, which posits that people are influenced by the discourse surrounding a situation or event, rather than the objective conditions and facts. Indeed, positioning theory states that “beliefs and motivations are strategic
constructions” not cause-and-effect rational influences (Moghaddam, et.al. 2008, p. 29). The basic tenet of rationalist/irrationalist theory is that humans do not act rationally for a variety of reasons – usually because they are persuaded, rationalized or fooled into believing something else. Many of the theories listed below contain an element of irrationalism. For instance, the Frustration-Aggression Hypothesis (Dollard, et. Al, 1939) is a classic irrationalist theory correlating frustration from unachieved expectations and aggressive or violent behavior.

Materialist

Materialist theories are theories which posit that material factors, either internal or external to individuals, influence intergroup relations. Materialist theories also often have a strong thread of irrationalism – as individuals are unaware of the importance material factors have in influencing their behavior. Two prominent theories can be applied to the case of Kashmir:

- Resource mobilization theory, which posits that elites can cultivate feelings of deprivation and desire to influence the behavior of the masses; and
- The cycle of the elites: Pareto argued that history is the “graveyard of aristocracies” (1935, Vol. 3, p. 1430) and that elites will continue to be overthrown by counter-elites, who then become the new elites. Moghaddam writes, “The new elite can give its regime a new title, such as democracy, communism, capitalism, socialism, fascism, or Islamic Republic. New slogans are adapted, such as freedom, equality and equal opportunities. However, these labels and slogans are merely screens behind which the new elite carries on the exploitation of the nonelite.” (Moghaddam, 2008, p. 69). Pareto’s theory is seen as
a materialist theory, because elites manufacture ideology to mislead the nonelites so that the status quos of injustice can continue to favor the elites.

*Justice*

Theories of justice and perceived justice are extremely pertinent to this discussion on Kashmir because of the connection between democratic rights and justice. In Kashmir the denial of a true representative democracy can be seen as a denial of justice. Naturally, many of the national discursive positions of India, Pakistan and Kashmir regarding the conflict frame the conflict in terms of justice.

- Relative deprivation theory (Runciman, 1966) posits that in certain circumstances, inequalities between groups can lead to resentment. Whether or not a group feels advantaged or disadvantaged will stem from what groups are the target groups for social comparisons. (When comparing one’s group to a better group, one feels deprivation, and therefore resentment; however when one compares one’s group to a worse-off group, one feels satisfied with the status quos). In particular, Runciman distinguishes between egoistic deprivation (individual based) and fraternalistic deprivation (a group’s position within society). There has been research to suggest that fraternalistic deprivation is a more powerful motivation for prejudices. For instance, a study by Tripathi and Srivastava (1981) found that the best predictor of anti-Hindu attitudes among Indian Muslims was fraternalistic deprivation. Thus, collective, rather than individual, deprivation produces stronger feelings of resentment, frustration, and potentially aggression. (Moghaddam, 2008, p. 117).
• System Justification theory: that people in disadvantaged or inequitable situations justify their position for a variety of reasons:
  o Just-world hypothesis (Hafer, 2005) – that “system legitimization arises because people are motivated to adopt narratives that depict the world as just and fair” (Moghaddam, 2008, p. 79).
  o Cognitive dissonance theory (Harmon-Jones & Mills, Eds., 1999) – inconsistencies between feelings, thoughts and actions cause anxiety, thus humans are motivated to resolve these inconsistencies.

Identity

Identity is a crucial element in every conflict, least of all Kashmir. There is a temptation to frame the conflict entirely in terms of religious identity – Hindus and Muslims – and naturally a great bulk of the discourse centers on this issue. There are also other identity aspects to the conflict, however – political identity, ethno-linguistic, geographic and cultural, for instance, which also influence the groups in conflict. Perhaps the most relevant identity theory is Social Identity Theory (Tajfel & Turner, 1979, 1986).

• The foundation of this theory rests on the minimal group paradigm, which proved that individuals will form groups on the most insignificant differentiations (i.e. that differences between groups can often be largely superficial). However, even in groups which differ only in the slightest, ingroup bias occurs. This adds an irrationalist bent to the theory, as “The plasticity of the basis for social categorization implies that those with the greatest power can manufacture and ascribe meaning to intergroup differences in ways that serve their own interests.” (Moghaddam, 2008, p. 95). A second core tenet of
this theory is that individuals strive to obtain positive and distinct identities, which leads individuals to belong to groups. Just as in relative deprivation theory, the role of social comparisons to other groups is critical in maintaining the perception of a positive identity. By controlling the target comparison group, leaders can make their own group seem disadvantaged, and therefore in need of some rights or resources.

In each of these theories, the potential role of discourses is extremely significant. Feelings of deprivation or positive identity can depend on how a group is described rhetorically, and furthermore, struggles for rights or ‘justice’ can be rationalized and justified through the use of selective discourses. Finally, group discourses trigger reactionary discourses in opposing groups, creating an evolving storyline of shifting positions. This realm of discursive maneuvering is an extremely useful way of examining a conflict with a fresh perspective – taking the focus off the conflict itself and instead examining the rhetoric of the parties in conflict.

**Role Theory**

Roles are also linked closely to positions (in fact role theory is a predecessor to positioning theory). The difference between roles and positions lies along a spectrum of flexibility: roles are fixed while positions are fluid, overlapping and ephemeral. Positioning theory emerged as a critique of role theory, which “attempted to analyse interaction by freezing the moment.” (Moghaddam, et.al. 2008, p. 42). The two are not mutually exclusive as analytical tools, however, as Henriksen explains using his metaphor of liquidating roles and crystallizing positions to “address the transition between role- and positioning-based participation in conflicts” (Henriksen, in Moghaddam, et.al., 2008, p. 41).
ANALYSIS: POSITIONS

With a firm grasp of the history of Kashmir’s struggle for self-determination, I now review the major discursive storylines of India, Pakistan and Kashmir. The purpose of this analysis is to bring attention to an array of rhetorical devices which complicate this already intricate conflict. The conflict has resisted resolution to this day, partly due to incompatible rhetorical positions and ingrained storylines which influenced perceptions of the opposing groups. It is my hope that this analysis can bring to attention the inconsistencies between the rhetoric and action of the parties to the conflict – or, as one might say in the conflict resolution field, separate positions from interests and needs.

Positions will be organized surrounding two main events: the accession/independence period and the insurgency period. After independence and the 1947 war, both India and Pakistan’s discourses made critical use of the Kashmiri people. However as it became apparent to the Kashmiris that India and Pakistan were only interested in rhetorical assurances of rights, Kashmir began to seek channels of representing itself. The history of public resistance in Kashmir throughout the 60s, 70s and 80s, and culminating in the insurgency, represent this motivation. Thus, the positions surrounding independence are a critical contrast to positions surrounding the insurgency. Some storylines have continued over the decades, while others have made 180 degree turns.

Finally, this analysis focuses on broad, national-level positions, occasionally represented by the major leaders of these groups. While this was done partly to simplify the process, it is also to present a view of the dominant storylines of the conflict. As is evident by the history section
of this paper, the Kashmir complex is extremely vast and complicated. Thus this paper focuses predominantly on the most pervasive discourses.

The positions are organized as follows: for each time period, the major groups are identified. Then positions are listed on the basis of relationships between groups (axes). (Note: the final cluster of positions from the insurgency era does not follow this format, because the following Kargil War positions detail the relationships between groups). Essentially, this provides snapshots of major positions from each time period: consisting of the distribution of rights and duties of each party at each phase. (The other two facets of positioning theory – illocutionary force and the evolving storyline, are discussed largely in the history section above.)

**Positions from Pre-Independence (1940s)**

Before India was partitioned into the independent dominions of Pakistan and India, Kashmir existed as a princely state under the rule of the Hindu Dogra Dynasty. Thus this first position cluster deals with four main groups – Jawaharlal Nehru and India’s Congress Party, Muhammad Ali Jinnah and the Muslim League, Maharaja Hari Singh of the Princely state of Jammu and Kashmir, and Sheikh Abdullah of the National Conference.

*Congress Party-Muslim League axis*

Congress Party, the party which was largely responsible for the founding of India as the democratic state of today, articulated many critical principles which became prominent in the debate over Kashmir. First, the main divide between Congress Party and the Muslim League was a disagreement over the sustainability of secular governance in the subcontinent. The
fundamental divide was thus \emph{not} religion, as is commonly perceived, but rather Nehru and Gandhi’s belief in a secular, non-communal republic of India. Gandhi in particular was known for advocating a pan-Indian identity and painting over the critical divides in Indian culture – i.e. caste and religion. Gandhi’s philosophy was wildly popular when the British presented a common opponent to the independence of the subcontinent, however once the British had sufficiently retreated from the situation, Gandhi’s inclusive philosophy could no longer maintain a pan-Indian identity.

The two-state theory of Jinnah and the Muslim League essentially refuted the idea that Hindus and Muslims could co-exist peacefully in an Indian republic, in such an asymmetrical power relationship (Hindus being the vast majority) (Schofield, 2010, p. 21). This position was formally declared in the infamous “Pakistan Resolution” of March 23, 1940, which stated “The areas in which the Muslims are numerically in a majority, as in the north-western and eastern zone of India, should be grouped to constitute “independent states” in which the constituent units shall be autonomous and sovereign.” (quoted in Hodson, 1969, p. 79). Thus, the Muslim League’s position was that, as a Muslim organization, it had a \textit{duty} to protect the Muslim minority in India, by forming a separate homeland where they would no longer be a minority. (Interestingly, Pakistan still held onto the ‘minority’ mindset long after partition).

Congress Party’s position was partly a counter-position to the Muslim League – arguing that dividing India along communal lines was a mistake and would lead to violence, because the key to peace was a secular republic. Congress Party’s position emphasized the \textit{right} of the people of India to determine their own allegiance, in the notion of \textit{swaraj} (independence).
Finally, the minority-majority positions which have been steadfastly held by Pakistan and India in relation to each other have roots in the Congress Party – Muslim League relationship. Even in the 1935 elections which formed autonomous bodies in the eleven provinces of British India, Congress Party gained control of seven provinces, while the Muslim League was forced to make coalition governments in the remaining provinces.

It is also critical to examine how both Congress Party (India) and the Muslim League (Pakistan) crafted their positions to contain Kashmir as the central, key element. By framing Kashmir as integral to either India or Pakistan’s core ideals, it put the conflict in a zero-sum perspective. This is profoundly demonstrated by the rhetoric that “Kashmir is claimed to be India’s atoog ang (integral part) and Pakistan’s shah rah (jugular vein). (Bose, 2003, p. 9). Bose writes that “Pakistani nationalism has been firmly based on the notion that Pakistan is territorially and ideologically incomplete with Kashmir. Once again, the premise itself is dubious: Pakistan’s disintegration along its main ethno-regional fault line in 1971, when eastern Pakistan became Bangladesh, exposed the limitations of the concept of an overarching Pakistan.” (Bose, 2003, p. 8).

Hari Singh – Sheikh Abdullah axis

Sheikh Abdullah, representing the people of Kashmir and specifically the Muslim Kashmiris, frequently came into conflict with Maharaja Hari Singh. The dislike was certainly mutual. It is important to highlight how the Maharaja and Sheikh Abdullah were really from two different worlds. The Maharaja was accustomed to the feudalistic system by which the princely state of Jammu and Kashmir was administered, and could not imagine any other system.
Meanwhile, Sheikh Abdullah represented a new generation (the generation of Nehru and Gandhi, incidentally) which sought to reform old systems to become representative and more egalitarian. The Maharaja was a monarch, while Abdullah was a popularly supported leader. These two fundamentally different worldviews – one looking to the past and the other looking to the future, was the source of multiple disagreements.

**Abdullah- Nehru axis**

The relationship between the National Conference and the Congress Party (represented by Sheikh Abdullah and Jawaharlal Nehru) originally complimented each other well by both advocating the secular republic-model, even mirroring each other in their socialist tendencies. This is interesting, considering that four decades later, the Congress Party and National Conference were on much more antagonistic terms.

Also, on a personal note, discourses from this period always emphasize Nehru’s ‘emotional attachment’ to Kashmir, as his family “had emigrated from the valley at the beginning of the eighteenth century.” (Schofield, 2010, p. 29). Regardless of Nehru’s actual level of attachment, this is frequently cited as one of the causes for the fast friendship between Abdullah and Nehru.

**Kashmir-Congress Party/Muslim League Axes**

The Maharaja’s relationship with the Congress Party and the Muslim League pre-partition was tense. The Muslim League’s position was that Jammu and Kashmir, along with the other princely states, should be able to decide its own fate (specifically, the Maharajas of the
princely states should decide). Congress Party, however, took a much more invested approach in soliciting Hari Singh’s accession. Part of this difference in approaches can be attributed to the fact that the Congress Party was dedicated to a position which valued swaraj (home rule or independence) and the right of the people of the princely states to decide their future, not the Maharajas. (Furthermore, the term swaraj carried considerable meaning and legitimacy from Gandhi’s campaign for independence from the British).

The difference in Congress Party and Muslim Leagues’ attitudes towards the Maharaja can also be attributed to the level of assurance each party had about accession to their respective state. The Muslim League felt secure that Jammu and Kashmir would join Pakistan and not India, especially after the Standstill Agreement was signed. Furthermore, it made sense to Pakistan’s ideology that Kashmir, a Muslim-majority state, would naturally align with Pakistan. This was obviously a flawed assumption – it failed to take into account Sheikh Abdullah’s influence in the valley, and his pro-India position. It also overlooked the fact that while the Hindus were a minority in the state, they were in power – represented by the Maharaja’s Hindu Dogra regime. On the other hand, India’s position of actively soliciting the Maharaja’s accession reveals an insecurity in their assurance that Kashmir would align with India.

Karan Singh, the son of Maharaja Hari Singh, wrote extensively on his father’s decision to appeal to India for help. This passage critically demonstrates the impossible choice the Maharaja faced, with pressures from all directions and no allies to turn to.

The Maharaja was “too much of a patriot to strike any sort of surreptitious deal with the British. He was hostile to the Congress Party dominated by Gandhi, Nehru and Patel, partly because of Nehru’s close friendship with Abdullah. He was not able either to come to terms with the National Conference, because of the threat it posed to the Dogra Dynasty. Although the Muslim League supported the rulers’ right to determine the future of their states, Hari Singh opposed the
Thus in a complicated game of positioning and counter-positioning, the Maharaja was backed into a corner – with his only option to appeal to India, the superior power on the continent, and hope for the best.

**Positions from the Accession and post-Independence Era**

Main parties: India, Pakistan, Princely State of Jammu and Kashmir (represented by Hari Singh), the National Conference (represented by Sheikh Abdullah) and the UN.

*India-Pakistan axis*

As things stood after the 1947 war, both India and Pakistan felt cheated of their lawful territory and rights. Both nations derive their justification for claiming Kashmir from the series of events which preceded the outbreak of hostilities in Kashmir (see History section). India’s claim to the entirety of Kashmir rested on the Instrument of Accession signed by the Maharaja, which justified the presence of Indian troops in Kashmir because it was by then an Indian state. This position also framed the incursion of tribesmen from Pakistani territories (as well as the subsequent involvement of the Pakistani army) to be an act of aggression, warranting legitimate self defense (as a duty). “Indian accounts maintain that the whole operation into Kashmir was instigated at the highest level in Pakistan. Code-names ‘Gulmarg’, they believed that it was masterminded by Akbar Khan” (Schofield, 2010, p. 51).

Meanwhile, Pakistan maintained that the Maharaja had no right to sign an Instrument of Accession to India because of the pre-existing Standstill Agreement with Pakistan that
maintained normal relations and prohibited any negotiations with India. The larger aspect of Pakistan’s position, however, consisted of the belief that the uprising in Gilgit was a legitimate and local revolution of Muslims against their Hindu leader. This in turn meant that the Maharaja had **no authority** to speak for these Muslims, who had overthrown his rule in their region. This position was bolstered by the fact that Maharaja Hari Singh had fled Srinagar, further signifying the success of the Gilgit revolution. In sum, the entire Azad movement for Kashmir was viewed by Pakistan as “indigenous and spontaneous, as a result of repression and misrule by the maharaja’s government.” (Schofield, 2010, p. 71). Finally, the use of Pakistani troops was justified as self-defense from the Indian troops which had ‘invaded’ Kashmir. “It is Pakistan’s opinion that her action in lending assistance to the people of Kashmir is far less open to criticism than was India’s intervention at the request of an autocratic ruler.” (Schofield, 2010, p. 72, quoted from UN Commission report).

As the hostilities were brought to a close in 1949, the enacting of the long-promised plebiscite began to take precedence in the discourses and actions of the major players in the conflict; India, Pakistan, the UN, and especially the people of Kashmir, represented by Sheikh Abdullah’s Pro-India National Conference and the pro-Pakistan Muslim Conference.

On a side note, it is important to remember that these two nations fought the Kashmir conflict only in their first year of existence. Through the next decade, the two nations begin to develop distinct national identities, shaped in the international arena by the Cold War. Their rhetoric surrounding Kashmir changes correspondingly, with perhaps the most notable shift being India’s assertion that the UN’s involvement is not longer welcome in the region, leading to
a long process of marginalization of the UN regarding Kashmir. In particular this retreat by the UN had significant negative impact on the demand for a Kashmiri plebiscite.

**Kashmir-India axis**

After the uprising in Poonch and the perception that Pakistan was aiding the violence in Kashmir, Hari Singh has little choice but to reluctantly turn to India for help. Nehru therefore found himself holding the upper hand, and used the opportunity to insist that a place in the Kashmiri government be made for Sheikh Abdullah, and representative government. However the entire accession was contingent on the ‘free and fair’ plebiscite, to be held at a later date, where Kashmiris would have their right to determine their accession.

**Kashmir-Pakistan axis**

After fighters from Pakistan’s North-West Province crossed into Kashmir, Kashmir’s position on Pakistan became decisively antagonistic. Pakistan, meanwhile, believed that “the tribesmen were incited to a ‘holy war’ by the stories of atrocities which fleeing Muslims brought with them to the market places of Peshawar [in Pakistan]” (Schofield, 2010, p. 50). The origin of the label ‘jihad’ to the uprising in Poonch (in Kashmir) is unknown; regardless, by linking the uprising to a Muslim holy war, it added a significant complicating factor to the conflict. For instance, the use of the term jihad threatened Hindu elements within India, who then supported India’s involvement in the 1947 war on behalf of the Maharaja. Victoria Schofield writes, “That what began as a more secular movement in the valley for greater political liberty became one
with ‘Islamist’ overtones arose directly from the changes occurring within Pakistani society and influences from Afghanistan.” (Schofield, 2010, p. xiv).

Pakistan, meanwhile, felt that Kashmir had betrayed Pakistan by abandoning the Standstill Agreement. Under the Standstill Agreement, Pakistan understood Kashmir as having no right to accede to India without forewarning or consulting Pakistan. Pakistan’s position remained that the Muslims of Kashmir were under oppression from the Hindu Dogra regime, and given the chance they would gladly side with their Muslim brothers in Pakistan.

**Special Status**

A significant position which contributed greatly to the modern conflict is the so-called ‘special status’ accorded to Kashmir after accession in India, both legally and figuratively speaking, in Azad Kashmir and IAKJ. In IAJK, the Instrument of Accession granted Kashmir and Jammu a special status from the other princely states in India. India’s jurisdiction in Kashmir extended only over communications, external affairs and defense, leaving Kashmir much more autonomous than the rest of India. This special status was also affirmed in India’s constitution, article 370 – the autonomy statute for Jammu and Kashmir (Bose, 2003, p. 45). In Azad Kashmir, the Pakistan Republic never formally accepted the territory into the state, choosing instead to administer it under a separate system along with the ‘wild’ Northern Territory. Thus the people of the former princely state found themselves not quite Pakistani, not quite Indian, yet not quite independent. That this status has never been resolved is a second thorn in the side of the Kashmiri people, who feel they have once again been forgotten in the debate by India and Pakistan.
This ‘special status’ was not only legal but also figurative. As Sheikh Abdullah and his National Conference distanced from the policies of Nehru, Abdullah began to explore the possibility of an independent Kashmir nation. As the most popular leader of Kashmir, his rhetoric regarding Kashmiri’s right to independence also took deep root among the people, who began to see themselves as distinct from India and Pakistan. The distinctiveness of Jammu and Kashmir from other Indian states was also present in a variety of symbols and practices. For instance, the state used different titles (sardar-i-riyasaat and prime minister) as opposed to the standard governor and chief minister titles used by the rest of the states.

UN relationships

The UN played a critical role in the beginning of the Kashmir conflict, particularly with the introduction and legitimization of the plebiscite solution (see History Section: UN). When the Kashmir conflict was first brought to the UN for debate, Pakistan and India’s rhetoric fell perfectly into majority-minority roles, with Pakistan emphasizing the rights of the Kashmiri people to resist tyranny, while India emphasized its duty to intervene in Kashmir for the sake of regional and international security. Pakistan also fulfilled the minority role of calling to its international ‘family of nations’ while India, the majority power, increasingly resisted internationalization of the issue (Schofield, 2010, xiv). Pakistan in general felt cheated because the cease-fire came at a time of Indian military superiority, meaning that more territory was left on the Indian side of the line. The same territory had been occupied by Pakistani troops only weeks before, and so the timing of the UN was seen as favoring India.
Positions from the Pre-Insurgency Phase (1980s)

The positions of India, Pakistan and Kashmir groups evolve significantly over the decades between the 1947 War and the 1990 insurgency. During these decades the 1965 War and the 1971 War of Bangladeshi Independence also add more complications to Indo-Pakistani-Kashmir relations. However, since the scope of this paper is the evolution of self-determination discourses specifically, I have largely skipped these events to focus on the insurgency and how it represents the most recent attempt at Kashmiri azaadi. The discourses in this section largely deal with the lead-up to the insurgency in Kashmir.

As the insurgency is primarily an Indian-Administered Jammu and Kashmir affair, Azad Kashmir has taken a back-seat in the recent history of the conflict. For this phase, therefore, the main parties are the Indian government, the Kashmiri government (alternatively National Conference and Delhi-imposed Governor-rule) and Pakistan.

Kashmir-India axis

Sumantra Bose poetically writes, “Kashmir was intended to be the centerpiece of India’s bouquet of democratic diversity. Instead, it became the thorn in the bouquet.” (2003, p. 44). In the 1950s, Sheikh Abdullah had protected the ‘special status’ of Kashmir in India, however this position was increasingly encroached upon by subsequent Delhi-governments. India’s increasing encroachment on the rights of Kashmiris stemmed from their original position: that Kashmir had legitimately been acceded to India, and Kashmiris were being unruly Indian citizens. Indira Gandhi embodied this position in 1970 after stating that any attempts by Abdullah’s party to “enter the IJK Assembly or the Indian Parliament with the intent of “wrecking the constitution”
would not be tolerated” (Bose, 2003, p. 87). Naturally this rhetoric denies the basic democratic right of dissent, so it is clear that India was operating on a very specific and limited definition of democracy.

Beneath this lay a second position, one of a persistent fear of Pakistani incursion, which led to little tolerance of any expressions of Muslim (i.e. Pakistani) solidarity in Kashmir. Related to this position was the Indian perception that Pakistani communalism was eroding Indian secularism in Kashmir. Rajiv Gandhi expressed this very sentiment at a public meeting after the Rajiv-Farooq Accord of November 1986 (Habibullah, 2008, p. 56). The rise of Jammat Islami and the Muslim United Front in Kashmir were seen as threatening India’s founding principles.

From a Kashmiri point of view, however, the actions of India to ‘bring a subversive state under control’ consisted of (1) a betrayal of the promise of a plebiscite, and (2) actions which rendered all Indian involvement in Kashmir as illegitimate an untrustworthy. This is evident in the refusal of the bulk of Kashmir’s populace to participate in elections after the 1977 [relatively free] election in Kashmir. This in turn led to widespread instances of forced voting by Indian security forces, which further radicalized the population against India.

Furthermore, the state of Jammu and Kashmir is composed of an extremely diverse set of ethno-linguistic and religious groups. Thus whatever action that was taken by India for Kashmir was likely to be felt as unjust by some groups. The one group which did hold legitimacy for a wide swath of Kashmiris, the National Conference, suffered harassment from Congress Party to align with the central-Delhi principles and ideology. The Rajiv-Farooq Accord was seen as “compromising Kashmiri self-respect” and was thus the end of the National Conference’s legitimacy with the Kashmir public (Habibullah, 2008, p. 56). This was particularly true in
regards to the infamous ‘third choice’ of Kashmiri independence. While this was the popular platform of the National Conference, India severely disliked this principle of *azaadi*, at first because it thought Kashmir should be content with the original two choices, and later because Kashmiris were subverting Indian governance in unacceptable ways. This is represented by the range of legislation enacted in Kashmir which restricted discussing Kashmiri independence (labeled a ‘treasonous’ subject) and the necessary democratic rights of assembly, free speech and truly representative and accountable government.

While this brief overview of positions does not do justice to the complexity represented by the multiplicity of groups in Kashmir, Jammu and Ladakh, “the ruptured relationship between the majority of IJK’s people – especially its Kashmiri-speaking Muslim population – and the Indian Union is the core of the contemporary problem.” (Bose, 2003, p. 51).

*Kashmir-Pakistan axis*

After failing in 1965 to nurture an insurrection in IAJK, Pakistan’s role in 1989-1990 was much more covert. Pakistan recognized the Jammu and Kashmir Liberation Front (JKLF) in Azad Kashmir as a legitimate cause, and contributed support from the Inter-Services Intelligence (ISI). From Pakistan’s point of view, this action was entirely consistent with their 1947 positions that (1) India’s secularist ideology was fundamentally flawed, and (2) that the Kashmiris were oppressed people who desired to be liberated. Indeed, Pakistan’s initial support of the JKLF was so enthusiastic that it overlooked the JKLF’s core goal – Kashmiri *azaadi*, not allegiance to Pakistan. Pakistan then tried to correct this by supporting an Islamic insurgency group, the Hizbul Mujahideen. Pakistan’s ‘goals’ in these actions were to legitimize their long-held position that
the Kashmiri people did not want the yoke of Indian rule, and attract international scrutiny which would then allow Kashmiri ‘self-determination’ to finally realize in favor of Pakistan. Naturally, the consequences of supporting an armed insurgency in Kashmir presented a much more complex situation; rather than bringing the conflict to a close, it has exacerbated it and made a peace process even more difficult.

Naturally, Pakistan’s involvement in Kashmir prompted a counter-position from India, which, as stated, has a fear of ‘losing Kashmir’ to Pakistan. Thus, India’s reaction was to tighten its grip on Kashmir even more, treating all Kashmiris as potential Pakistani-collaborators.

The Kashmiri perspective on Pakistani involvement was not positive either. Similar to India’s harsh control tactics in Kashmir, Kashmiris did not appreciate Pakistan attempting to influence the course of events, especially with its promotion of orthodox Islam, which was not popular in the valley. The position of Kashmiri Muslims in the Valley was one of fatigued but determined resistance, with the continued goal of _azaadi_. Finally, the diversity of Kashmir makes it difficult to speak to a single Kashmiri position, for instance the Hindus in Jammu and the Buddhists in Ladakh were generally supportive of Indian security measures in Kashmir.

**Positions from the Insurgency Era**

In addition to the major parties from the pre-insurgency phase, Kashmiri popular groups (Muslim United Front and its heir, the All-Parties Hurriyat Conference) and insurgency groups (Jammu and Kashmir Liberation Front (JKLF) and Hizb-ul Mujahideen (HM) begin to gain prominence in the discourses in the late 1980s.
India

India’s position has always been that the initial insurgents were trained and supported by Pakistan’s Inter-Services Intelligence (ISI), and thus represented external aggression towards the Indian state. Combined with the opinion that the Kashmiri public was undermining the secular foundation of India’s national ideology, India felt justified in increasingly restrictive and violent tactics to control the Kashmiri population. Thus when the insurgency broke out, Indian policies were strengthened, without distinguishing between militants and nonviolent political protestors. This led to multiple incidents of human rights violations and massacres in Kashmir.

Pakistan

Pakistan has routinely denied direct involvement in the insurgency in Kashmir, while praising the uprising of Kashmiris. However the situation in Pakistan is often made more complicated by domestic power struggles. The back-and-forth between military and civilian rule in Pakistan has had consequences on policy towards Kashmir. For instance, it is widely thought that the 1999 War was initiated as a diversionary tactic (consistent with Diversionary Theory (Tir, 2010) –which posits that leaders use other external conflicts to draw attention from internal conflicts). Benazir Bhutto, in July of 1999 conducted a BBC interview in which she expressed her disapproval of Pakistan’s initial decision to send infiltrators into Kashmir to incite a rebellion. She also stated that “she was sure Nawaz Sharif had authorized the intrusion to divert attention from his domestic failures and charges of corruption.” (Schofield, 2010, p. 217).

Insurgent groups
The JKLF made its position clear in the beginning of the insurgency by attacking local Kashmiri government officials who ‘collaborated’ with the Indian government, including National Conference members. The JKLF was saying that they no longer placed any trust in the ‘elected’ government, not even the National Conference, the once-champions of the Kashmiri people. The independentist JKFL considered itself Muslim, but secularist. In contrast, Hizb-ul Mujahideen was decidedly pro-Pakistani in orientation (Bose, 2003, p. 3). This divide led to in-fighting between these two groups, with HM emerging as the largest insurgent group in Kashmir in the early 1990s. HM’s position was that the Muslims in Kashmir had a duty to align with their brothers in Pakistan, rather than a right to determine their own independence.

**Kargil War discourses**

The discourses regarding the 1999 Kargil War are of particular interest due to the intricacy of positioning and counter-positioning. Despite an objectively inconclusive end, both India and Pakistan claimed the war as a victory (Schofield, 2010, p. 220).

As the initiator, Pakistan hoped (once again) to bring Kashmir into the international spotlight, especially after the displays of nuclear power by both nations in 1998. In the spring of 1999, roughly 600 Pakistani militants crossed the LOC and occupied Indian bunkers on the Indian side of the LOC. These militants, claiming they had ‘liberated’ this area from India, were strategically positioned to threaten the only road from Srinagar to Leh. Consistent with both national positions, ‘The Indian government maintained that the militants were Afghan ‘mercenaries’, including Pakistani regular soldiers…all of whom had crossed the line of control after being trained by the Pakistani army in high altitude fighting…The Pakistani government,
however, denied any involvement in the incursion and stated that the militants were indigenous ‘freedom fighters’ fighting for the liberation of Kashmir” (Schofield, 2010, p. 209).

As Victoria Schofield details, whether or not Prime Minister Nawaz Sharif of Pakistan authorized the operation is unclear as there are contradictory accounts, complicated further by the fact that “the Government of Pakistan became involved in a series of implausible denials which no one believed and which were all the more confusing since they were not consistent. (2010, p. 210). Consistent with Benazir Bhutto’s observation, Sharif seemed to be attempting a diversionary war to unite support within Pakistan towards a deeply felt national goal.

Both sides participated heavily in propagandizing the war. India, for instance, released “proof” of Pakistan’s involvement and agenda of internationalization – Pakistani military identification and pay papers in recaptured positions in Kargil, and the transcripts of two allegedly taped conversations between General Musharraf and chief of general Staff, General Mohammad Aziz, in which he said, “let them [India] keep dropping bombs. As far as internationalisation is concerned, this is the fastest this has happened” (Schofield, 2010, p. 211).

Following India’s position that Kashmir was a South Asian conflict and did not need international assistance, India’s Prime Minister Vajpayee rejected UN Secretary General Kofi Annan’s offer of an envoy. However, Pakistan’s attempt to garner international support largely backfired, as the United States and western powers blamed Pakistan for inciting the war. Additionally, public opinion in both India and Pakistan was critical of the conflict and the use of the same old national positions regarding Kashmir.

Within Kashmir, actual indigenous militants and azaadi supporters were frustrated that the majority of attention was centered on the Kargil region, leaving the Kashmir valley as an
afterthought. Furthermore, Kashmiris were discouraged by the lack of media coverage on Kashmir compared to the ongoing situation in Kosovo. The perception was that “the international community was still far too preoccupied with Kosovo to take on another humanitarian issue.” (Schofield, 2010, p. 212). India’s campaign of suppressing political dissent and militancy within the Kashmir Valley also continued unabated throughout the Kargil War, particularly since India did not want Kashmiris capitalizing on the Kargil war to further their own agenda.

Following the ‘Washington Agreement’ between Nawaz Sharif and President Bill Clinton, Sharif agreed to pressurize the ‘militants’ to withdraw. However Sharif framed this withdrawal in terms of success by stating that they had successfully drawn international attention to the issue. In India the withdrawal was hailed as a victory, and the Kargil War is still referenced as a point of national pride (Take, for instance, the portrayal of the Kargil victory in Indian films such as *Lakshya* (2004)).

Thus, the Kargil War represents a very tangible manifestation of the positions of India and Pakistan regarding Kashmir, leading to an ill-thought out offensive which made use of rhetorical positions which did not at all fit the realities on the ground. The discursive manipulation throughout the conflict is a potent example of how India and Pakistan cling to decades-old stances on Kashmir, while managing to overlook the need and requests of the Kashmiri people.
CONCLUSION

This re-orientation of the history of Kashmir through the lens of self-determination (utilizing positioning-theory) was meant to present an alternative perspective to the ongoing conflict in Kashmir. A secondary objective was to bring attention to the significant rhetorical element of the conflict – notably through examining the positioning and counter positioning of India and Pakistan. If anything, the number of staunchly held positions and exclusive, zero-sum rhetoric has complicated this already intricate conflict. Finally, this analysis was also intended to highlight the inconsistencies between the rhetoric and action of the parties to the conflict: essentially separating positions from interests and needs.

In particular, this paper argued that the ideal of self-determination is a discursive cornerstone of the modern conflict in Kashmir. The history section detailed the events and developments which related to the evolution of democratic ideals in Kashmir, particularly the principles of self-rule and self-determination. In sum, before the 20th century, the people of Kashmir and Jammu had never been given the option to decide their future for themselves. Thus, when the idea of a plebiscite and the right to a plebiscite was introduced in this period, the Kashmiri people began to heavily frame their discourses in terms of self-determination. It is easy to see how the repeated denial of the promised plebiscite had led to feelings of betrayal and deprivation by the Indian government in Kashmir.

While this analysis focuses specifically on Kashmir, it is broadly about the difficulties in implementing self-determination. The conflict in Kashmir demonstrates that there is a wide range of interpretations of self-determination, depending on whether one is the majority or minority power. Essentially, while the concept of self-rule may seem simple in the abstract, in
practice it is hugely complicated. Kashmir is not the only example of this – for instance, Iran had a similar dilemma in that the people were offered two choices: the Shah or the Islamic Republic, but no third option of self-determination. Furthermore, why was Sudan permitted a referendum in January of 2011, while numerous other groups worldwide are not given the choice to decide their independence? There are many groups of people who desire autonomy in their own territory – Why are some granted this wish and others not? These are some of the broad questions this analysis raises.

**Implications for Resolution**

The primary implication of this positioning analysis is that the positions that India and Pakistan have clung to since 1947 regarding Kashmir no longer reflect the actual reality in Kashmir, and need to be constructively revised. While Indian and Pakistani leaders have acknowledged, at least to themselves, that insisting on full Kashmiri accession to either of the dominions is an impossible demand, this *rhetorical stance* is still present and pervasive in Indo-Pakistani relations. Take, for instance, the ongoing controversy of how to portray Kashmir in maps. In India it is illegal to portray any portion of Kashmir as Pakistani, despite the reality of Pakistani-controlled ‘Azad’ Kashmir. This led to controversy when Microsoft released a Windows-95 version which did not portray Kashmir as within India’s borders (‘Microsoft's Geopolitical Bug Experts’, 2000). Another example is the Indian government’s census website – which includes a map of the *entire* state of Kashmir and Jammu (i.e. including Pakistani Kashmir), with Azad Kashmir shaded in grey with “no data” written. The assumption that India was conducting a census of the whole Kashmir, not just Indian-Administered Jammu and
Kashmir, is an example of mutually-exclusive rhetoric that needs to be revised. Another Government of India website states that “the area of India is 3,287,240 Sq km*” but “*This area figure excludes 78,114 sq. km. under the illegal occupation of Pakistan, 5,180 sq. km. Illegally handed over by Pakistan to China and 37,555 sq.km. under the illegal occupation of China in Ladakh district” (‘India Basic Facts: Area’, 2010.)

Without going extensively into a potential peace-process for Kashmir, perhaps the best route for Kashmir peace lies in greater autonomy for IAJK and a greater commitment of the Indian government to protection of human rights and democratic processes. Such a solution would likely return Kashmir to another ‘special status’ case, where India once again has limited jurisdiction. Sumantra Bose also recommends facilitating more cross-ties between Azad Kashmir and IAJK, ultimately culminating in a more open border, as a primary method of combating the frequent spoiler of cross-border terrorism (Bose, 2003, p. 263).

Finally, a note on timing. Suggested peace processes tend to list several actions which should take place immediately, such as initiating dialogue and engaging in trust-building exercises. However, in many instances it may be wiser to wait for an opportune moment to initiate a peace process. This is the basis of William Zartman’s Conflict Ripeness theory, which states that parties in a conflict will seek a political solution when both reach a mutually hurting stalemate. Such a phase is referred to as a ‘ripe’ moment for conflict resolution (Zartman, 2001). One of the paths to peace, therefore, is pushing the parties in a conflict into a ripe moment. It may be the case that a hurting stalemate already exists, and the extent of the ‘hurting’ must be made apparent to the parties. For instance, India, which is seemingly happy with the status quo regarding Kashmir (or at least happier than Pakistan), in reality wastes tremendous amounts of
resources on the prolonged conflict. Bose concludes her book by noting that “For India, the status quo power in the conflict, negotiating a compromise settlement would liberate enormous financial and human resources now invested in a protracted war or pacification and control that cannot be won militarily, prove India’s maturity and confidence as the world’s largest and most diverse democracy, and significantly advance India’s well-founded aspiration to be an economic and political player of global stature. In the event of a military escalation of the Kashmir conflict India, a huge country of enormous economic potential, has much more to lose than Pakistan does.” (Bose, 2003, p. 265).

There are certainly many opportunities for increased political cooperation between India and Pakistan, especially given the ‘global war on terrorism’. Even the recent Cricket World Cup provided speculation on ‘cricket diplomacy’ between Pakistan and India (‘World Cup cricket boosts India and Pakistan ties’, BBC News, Mar. 31, 2011).

In *Hamlet*, Act IV, Scene IV, Hamlet runs across the forces of Prince Fortinbras, and inquires what they are fighting over. The Captain replies,

Truly to speak, sir, and with no addition,  
We go to gain a little patch of ground,  
That hath in it no profit but the name.  
(Scene IV, Act IV)

While Kashmir is certainly more than a ‘patch of ground’, discursively it often seems that India and Pakistan claim Kashmir under decades-old rhetoric removed from the actual conditions in Kashmir. Indeed, the 1965 and 1999 Kashmir wars did not result in any tangible gains – only rhetorical victories. India and Pakistan must reconcile their positions to reflect realistic expectations for the solution of the Kashmir conflict. Furthermore, both nations need to involve
representatives of the Kashmiri people in the peace process and allow Kashmiris a say in their own future. India and Pakistan are both committed to this idea rhetorically, but not behaviorally. This analysis traced the major positions which have contributed to the intractable nature of the Kashmiri conflict. In the interest of peace, however, these positions must be reconciled for constructive and cooperative measures.
REFERENCES

www.census.gov.library.lausys.georgetown.edu/jpc/prod/ib-9701.pdf


www.britannica.com.library.lausys.georgetown.edu/EBchecked/topic/46696/Azad-Kashmir


